

Office of People Analytics (OPA)



2016 Military Investigation and Justice Experience Survey (MIJES)

Overview Report

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2016 MILITARY INVESTIGATION AND JUSTICE EXPERIENCE SURVEY (MIJES): OVERVIEW REPORT

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The results of this report would not be possible without the courage of the survivors who shared their opinions and experiences with us.

Executive Summary

The Department of Defense (DoD) has a strong commitment to providing Sexual Assault Prevention and Response (SAPR) resources and services to all military members who report a sexual assault. The Department, under the guidance of the DoD Sexual Assault Prevention and Response Office (SAPRO), has worked to create and improve programs in an effort to provide support to military sexual assault survivors. The *Military Investigation and Justice Experience Survey (MIJES)* is an anonymous survey designed to assess the investigative and legal processes experienced by military members that have made a report of sexual assault, have gone through the military investigation process, and who have agreed to voluntarily participate in this survey. Administered in fiscal year 2016 (FY16), the *2016 MIJES* reflects the attitudes and opinions of 225 military members who brought forward a report of sexual assault to military officials and completed the military justice process from investigation to case closure. The *2016 MIJES* was not weighted; therefore, results of the study are not generalizable to those Service members who had a closed case in Defense Sexual Assault Incident Database (DSAID).

Study Background and Methodology

This overview report discusses findings from the *2016 MIJES*, which includes data collected between August 29 to December 6, 2016. This survey was conducted in response to a Secretary of Defense Directive requiring that a standardized and voluntary survey for military members who brought forward a report of sexual assault and participated in the military justice process, be developed and regularly administered to “provide the sexual assault victim/survivor the opportunity to assess and provide feedback on their experiences with SAPR victim assistance, the military health system, the military justice process, and other areas of support” (Secretary of Defense, 2014). The Defense Research, Surveys, and Statistics Center (RSSC) within the Office of People Analytics (OPA) was tasked with this effort.

The *2016 MIJES* focuses specifically on military members who made a report of sexual assault and have a closed case (e.g., investigation done, disposition complete, and case information entered into DSAID) between April 1, 2015 and March 31, 2016 (FY15 Q3–FY16 Q2).¹ Uniformed military members include members of the active duty (Army, Navy, Marine Corps, and Air Force), the Reserve (Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve), and the National Guard (Army National Guard and Air National Guard). All military members who met the above criteria were eligible to participate in the survey. Additionally, respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by a Military Criminal Investigative Organization (MCIO), whose alleged perpetrator was not a military member, or who chose not to participate in the investigation or military justice process were ineligible.² The survey instrument and methodology were designed with input from SAPR representatives from Department leadership, the Services, the National Guard Bureau, and other DoD stakeholders. All representatives had a shared goal of gathering accurate data on survivor experiences, while balancing respect for the survivor and the need for anonymity. The population of interest for this survey is very specific.

¹ The total eligible sample number was 2,041 members.

² *2016 MIJES* Q1, Q10, Q11, Q16.

As such, a non-probability survey approach was appropriate to gather data on this specific subpopulation. As a result of this approach, the *2016 MIJES* does not employ statistical sampling or scientific weighting. Therefore results from this survey cannot be generalized to the full population of military members who made a report of sexual assault; results can only be attributed to those eligible respondents who completed the survey.

The survey administration process began on August 29, 2016, with an e-mail announcement message to military members in the sample.³ This anonymous survey was administered via the web and paper-and-pen. Data were collected via the web between August 29, 2016 and December 6, 2016. Data were collected via paper-and-pen surveys between September 27, 2016 and December 2, 2016.⁴ During the administration period, the *2016 MIJES* had 225 completed surveys (188 completed web surveys and 37 completed paper surveys). Results in this report are presented at the Total DoD level. No personally identifiable information was attached to survey data.

The remainder of this executive summary provides a general overview of top-line results from the *2016 MIJES*. Additional information about the construction of metrics and rates, as well as additional data on findings can be found in the full report. References to a “perpetrator” or “offender” throughout this report should be interpreted as “alleged perpetrator” or “alleged offender”; without knowing the specific outcomes of particular allegations, the presumption of innocence applies unless there is an adjudication of guilt. References to “sexual assault” throughout the report do not imply legal definitions for sexual assault. Additionally, references to “retaliation,” “professional reprisal,” “ostracism,” “maltreatment,” or perceptions thereof, are based on negative behaviors as reported by the eligible survey respondents. Without knowing the specifics of cases or reports, this data should not be construed as substantiated allegations of professional reprisal, ostracism, or maltreatment.

General Satisfaction With Individuals/Resources

Throughout the military justice process, a military member may interact with a number of individuals and resources. The *2016 MIJES* assessed respondents satisfaction with various aspects of these interactions. The majority of respondents to the *2016 MIJES* were satisfied with the overall services provided.⁵ However, responses about SAPR-specific resources (i.e., Sexual Assault Response Coordinator [SARC], Uniformed Victim Advocate/Victim Advocate [UVA/VA], and Special Victims’ Counsel/Victims’ Legal Counsel [SVC/VLC]) were generally more positive and received the highest rates of satisfaction, whereas members of leadership, (e.g., senior enlisted advisors, unit commanders, immediate supervisors) received lower ratings.

³ Prior to administration, a notification e-mail was sent to sample members by SAPRO Director, Major General Camille Nichols, to validate the survey’s legitimacy as well as to make sample members aware that they would be receiving the survey via e-mail or United Parcel Service (UPS) package requiring signature. UPS was used to increase response rates and to provide additional assurance that the survivor alone (e.g., not a family member, roommate) would receive the survey package.

⁴ All sample members who had not taken the survey by early September received a paper survey via UPS. The package required the recipient’s signature to ensure the sample member was the only one to receive the package in order to maximize privacy.

⁵ Respondents were first asked if they interacted with each individual/resource. Rates of satisfaction are only of those respondents who interacted with these individuals during the military justice process. Data on the percent of respondents who interacted with each individual/resource are included in the full report.

Specifically, 78% of respondents were satisfied with overall services provided by the SVC/VLC during the military justice process, 79% were satisfied with the services provided by the UVA, 75% were satisfied with the services provided by the VA, and 73% were satisfied with the services provided by the SARC. Across these respondents, less than 20% were actively dissatisfied with the services provided by SAPR-specific resources.

Individuals involved more directly in the military justice process, such as the military trial counsel and MCIOs, also received generally high marks in satisfaction; 64% of respondents indicated they were satisfied with the services provided by the military trial counsel and 53% indicated satisfaction with the services provided by the MCIO. Between 23% and 28%, respectively, indicated they were actively dissatisfied with the services provided by the military trial counsel or MCIO.

While about half of respondents indicated satisfaction with the interactions they had with their unit commander, senior enlisted advisor, or immediate supervisor, comparatively these individuals received the lowest marks. Specifically, 58% indicated they were satisfied with the interactions with their senior enlisted advisor, 57% indicated they were satisfied with the interactions with their unit commander, and 50% indicated they were satisfied with the interactions with their immediate supervisor. However, about one-third of respondents indicated they were dissatisfied with their interactions with these individuals. Of note, higher marks of dissatisfaction might reflect the dissimilarities between the expectations for these individuals to provide specific amounts of support compared to SAPR-specific resources. For example, the amount of knowledge the individual had about handling sexual assault cases, their comfort about handling sexual assault cases, and their overall involvement in the military justice process are comparatively different to other resources.

Perceived Professional Reprisal, Ostracism, and Maltreatment

The Department strives to create an environment where military members feel comfortable and safe reporting a potential sexual assault to a military authority. To further ensure a safe environment for reporting, the Department has been monitoring perceived repercussions (i.e. retaliatory behavior) as a result of reporting a sexual assault. Specifically, two forms of retaliatory behaviors have been outlined: professional reprisal and ostracism/maltreatment. Professional reprisal is a personnel or other unfavorable action taken by the chain of command against an individual for engaging in a protected activity. Ostracism and maltreatment can be negative behaviors, such as actions of social exclusion or misconduct against the military member taken by peers or an individual in a position of authority, because the military member reported, or intends to report a criminal offense.

Similar to metrics on the 2015 *MIJES*, questions were designed to measure negative behaviors a respondent may have experienced as a result of making a sexual assault report and to account for additional motivating factors that may be consistent with prohibited actions of professional reprisal, ostracism, and maltreatment in the Uniform Code of Military Justice (UCMJ) and military policies and regulations. This includes the alleged perpetrator having knowledge about the report and that the actions were perceived to be taken with a specific intent (i.e., to discourage the military member from moving forward with the report of sexual assault or to

abuse or humiliate the respondent). A full description of these measures can be found in Chapter 4 of this report.

Survey questions are only able to provide a general understanding of the self-reported outcomes that may constitute professional reprisal, ostracism, or maltreatment and therefore OPA refers to such outcomes as “perceived.” Ultimately, only the results of an investigation can determine whether self-reported negative behaviors meet the requirements of prohibited retaliation. Therefore, the percentages discussed reflect the respondents’ perceptions about a negative experience associated with their report of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

To better align with legal indicators, additional questions about the perceived intent regarding negative behaviors or actions were used to calculate a metric accounting for additional motivating factors that are consistent with prohibited actions.⁶ Once these additional motivating factors were overlaid, the 2016 MIJES found that 38% of respondents indicated experiencing perceived professional reprisal, ostracism, and/or maltreatment. Specifically, 28% of respondents indicated experiencing perceived professional reprisal, while 27% perceived experiencing ostracism/maltreatment (17% perceived experiencing ostracism and 24% perceived experiencing maltreatment). Of note, respondents who perceived experiencing these negative behaviors were asked whether these actions impacted their decision to continue participating and/or moving forward with their report; the majority indicated they chose to continue.

Respondents who indicated experiencing perceived professional reprisal and/or perceived ostracism/maltreatment were asked whether they chose to file a complaint. About one-quarter, 23%, filed a complaint (e.g., with the Inspector General, Military Equal Opportunity Office, commander). Of those who filed a complaint, one-third indicated the situation continued or got worse, were told/encouraged to drop the issue, or were not aware of any action taken by the person they told, whereas 28% indicated they got help dealing with the situation and 17% indicated their leadership took steps to address the situation. The top reasons for not filing a complaint included the respondent was worried reporting would cause more harm than good (67%), they did not trust that the process would be fair (66%), they did not think anything would be done or anyone would believe them (59%), and/or they did not want more people to know and/or judge them (48%). Approximately one-third (34%) of respondents who chose not to file a complaint indicated they did not know how to report.

Of respondents who indicated experiencing perceived professional reprisal and/or perceived ostracism/maltreatment, 44% indicated they discussed these with a work supervisor or anyone up their chain of command to get guidance on what to do. These respondents most often indicated the discussion was held with another member in their chain of command (57%), their senior enlisted leader (51%), or their immediate supervisor (43%). Of these respondents, 52% indicated as a result of their discussion they are not aware of any action taken by the person that they told. These respondents also indicated as a result of their discussion, the situation continued or got worse for them (44%), they were told/encouraged to drop the issue (42%), they got help dealing

⁶ Construction of perceived reprisal, ostracism, and maltreatment rates are based on general policy prohibitions and should not be construed as a legal crime victimization rate due to slight differences across the Services on the definition of behaviors and requirements of retaliation.

with the situation (21%), and/or their leadership took steps to address the situation (17%). In summary, 29% of these respondents indicated they received help or assistance as a result of their discussion of these behaviors.

Discretion, Preparedness, and Provision of Information

The criminal justice process is often a difficult process for any survivor, military or civilian. While all resources, including command, were assessed somewhat positively in providing support to the respondent during the military justice process, survey responses highlighted a few areas for the Department to note. Overall, 41% of respondents indicated they were kept up to date on the progress of their case to a large extent/very large extent and 51% indicated they had been kept up to date to a small extent/moderate extent; 8% indicated they were not at all kept up to date on the progress of their case during the military justice process. Continuing to improve communication for all resources may be an opportunity for the Department to strengthen its ability to serve military members during the military justice process. Data from the *2016 MIJES* also highlight that certain resources can improve upon their use of discretion in discussing details about a case as well as aiding respondents in preparing for the military justice process. The majority of respondents agreed that SAPR-specific resources used discretion in sharing details of their case, whereas less than two-thirds indicated their unit commander/director (64%), their senior enlisted advisor (57%), or their immediate supervisor (55%) used discretion. The Department has also worked to prepare military members who bring forth a report of sexual assault for the process as best as possible. The *2016 MIJES* found that 41% of respondents indicated that based on the services provided, they felt well prepared for the military justice process, whereas 23% felt poorly prepared. The 23% of respondents who indicated they were poorly prepared for the military justice process were asked to specify what could have helped to better prepare them. The most frequently mentioned actions in the qualitative comments included needing better explanation of the military justice process and their rights and better support overall. Of those who felt well-prepared, the majority credited SAPR-specific resources with 69% indicating the SVC/VLC helped prepare them, 53% indicating the SARC, and 50% indicating the UVA/VA helped prepare them for the process. Qualitative comments from the survey further identified friends and family, SAPR-specific services, and mental health providers as playing a large role in supporting and assisting them in preparation for the justice process.

General Perceptions of the Military Justice Process

The *2016 MIJES* reflects varied opinions from respondents on how they navigated the military justice process. While most respondents were satisfied with the services provided to them, some resources and individuals were more beneficial to them, while others were less so. Further, while the majority of respondents did not perceive experiencing any retribution as a result of making a report of sexual assault, 38% did perceive retribution. Overall, ***77% of all respondents said they would recommend others in the military make a report if they experienced a sexual assault.*** This rate speaks to the potential benefit of reporting within the military, but also to the benefit of many of the SAPR-specific resources provided to military members who bring forward a report of sexual assault.

The *2016 MIJES* represents the attitudes and opinions of eligible respondents of the survey. OPA will continue to collect data from this important population to gauge progress and target

areas for improvement. Results will help to inform current and future resources and programs with the goal of assisting and supporting military members who bring forward a report of sexual assault navigate through the military justice process.

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Chapter 1: Study Background and Design

The Department of Defense (DoD) has a strong commitment to providing Sexual Assault Prevention and Response (SAPR) resources and services to all military members who report a sexual assault. Over the years, the Department, under the guidance of the DoD Sexual Assault Prevention and Response Office (SAPRO), has worked to create and improve programs in an effort to provide support to military sexual assault survivors. The 2016 Military Investigation and Justice Experience Survey (*MIJES*) is the second administration of this DoD-wide survey effort designed to assess the investigative and legal processes experienced by military members that have made a formal report of sexual assault. This overview report for the *2016 MIJES* is based on findings from investigations that were closed/adjudicated during Quarter 3 and Quarter 4 of fiscal year 2015 (FY2015) and Quarter 1 and Quarter 2 of fiscal year 2016 (FY2016).

Study Background

This overview report discusses findings from the *2016 MIJES*, which includes data collected from August 29 to December 6, 2016. The *2016 MIJES* is designed to assess the investigative and legal processes experienced by military members that have made a formal report of sexual assault. This survey was conducted in response to a Secretary of Defense Directive requiring that a standardized and voluntary survey for military members who brought forward a report of sexual assault be developed and regularly administered to “provide the sexual assault victim/survivor the opportunity to assess and provide feedback on their experiences with (Sexual Assault Prevention and Response) SAPR victim assistance, the military health system, the military justice process, and other areas of support” (Secretary of Defense, 2014). The Defense Research, Surveys, and Statistics Center (RSSC), within the Office of People Analytics (OPA), was tasked with this effort.⁷ For over 25 years, RSSC has been DoD’s lead organization for conducting impartial and objective scientific survey and focus group research for the Department.

By focusing on military members who made a formal report of sexual assault and have a closed case (e.g., investigation done, disposition complete, and case information entered into the Defense Sexual Assault Incident Database [DSAID]), OPA is assessing the military justice experiences of a unique population that has not previously been studied. The *2016 MIJES* was designed with input from SAPR representatives from the DoD, the Services, the National Guard Bureau, the Office of Inspector General, and other DoD stakeholders. All representatives had a shared goal of gathering accurate data on the experiences of military members who brought forward a report of sexual assault, while balancing respect for the military member and the need for anonymity. The *MIJES* is not intended to be a probability-based survey (i.e., employing statistical sampling and weighting). It is an anonymous effort providing the responding military members maximum protection of their privacy concerns. This is the only formal assessment of this population across DoD, including active duty and Reserve component members.

⁷ Prior to 2016, the Defense Research Surveys, and Statistics Center (RSSC) resided within the Defense Manpower Data Center (DMDC). In 2016, the Defense Human Resource Activity (DHRA) reorganized and moved RSSC under the newly established Office of People Analytics (OPA).

The *MIJES* fielded in the last quarter of FY2016 in order to capture findings from those eligible military members that made a formal report of sexual assault any time after October 1, 2013, and the disposition of their case was complete and entered into DSAID between April 1, 2015 and March 31, 2016 (FY15 Q3–FY16 Q2). The survey focuses on experiences with the military investigation and justice process only and does not ask military members questions about the circumstances or details of the assault. This chapter outlines report content by chapter and provides an overview of the 2016 *MIJES* methodology. References to perpetrator/offender throughout this report should be interpreted as “alleged perpetrator” or “alleged offender” because without knowing the specific outcomes of particular allegations, the presumption of innocence applies unless there is an adjudication of guilt. References to “sexual assault” throughout the report do not imply legal definitions for sexual assault. Additionally, references to “retaliation,” “reprisal,” “ostracism” or “maltreatment,” or perceptions thereof, are based on the negative behaviors as reported by the survey respondents; without knowing more about the specifics of particular cases or reports, this data should not be construed as substantiated allegations of reprisal, ostracism, or maltreatment.

Survey Content by Chapter

The goal of the *MIJES* is to hear directly from military members in the active duty, Reserve, and National Guard, who made a formal report of sexual assault and have a closed case, about the investigative and legal processes they experienced. OPA worked closely with representatives from DoD SAPRO and SAPR across all of the Services and National Guard to create a survey that would enable the DoD to gauge whether the investigative and military justice processes are effectively meeting the needs of military members who bring forward a report of sexual assault. Areas that were of specific interest to the Department were: the reporting process and details about the military member’s choice to report; experience and satisfaction with specific SAPR resources (including Sexual Assault Response Coordinators [SARCs], Uniformed Victims’ Advocates/Victims’ Advocates [UVAs/VAs], military criminal investigators, military trial counsel, Special Victims’ Counsel [SVC]/Victims’ Legal Counsel [VLC], and Victim Witness Assistance Providers [VWAP]) as well as the military member’s command; outcomes associated with reporting (e.g., perceived professional reprisal, ostracism, and maltreatment as a result of reporting a sexual assault); satisfaction with the overall military justice experience; and experiences with expedited transfers. With these interests in mind, the *MIJES* was developed to provide self-reported details related to the overall military justice experience of military members who brought forward a report of sexual assault.

Specific topics covered in this report are organized across six chapters:

- Chapter 2 summarizes the type of report initially made by the eligible respondent,⁸ and for those respondents who made a restricted report, whether their report was converted to an unrestricted report and the time frame in which it was converted. Additionally, this chapter highlights whether their report resulted in a criminal investigation by a Military Criminal Investigative Organization (MCIO), indication that at least one alleged

⁸ Respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by a Military Criminal Investigative Organization, whose alleged perpetrator was not a military member, and who chose not to participate in the investigation or military justice process were ineligible (2016 Q1, Q10, Q11, Q16 *MIJES*).

perpetrator of the reported sexual assault was a military member, the time frame for when their report was made in relation to the sexual assault, whether the respondent was made aware of their legal rights, whether the respondent participated in any part of the investigation or military justice process for their sexual assault case, and the time frame in which the sexual assault investigation was closed.⁹

- Chapter 3 summarizes the experiences, satisfaction, and interactions of respondents with SAPR resources and command during the military justice process. Specific SAPR resources include the SARC, UVA/VA, military criminal investigators, military trial counsel, SVC/VLCs, and Victim Witness Assistance Providers (VWAP). Command includes the respondent's unit commander or other member of their chain of command including senior enlisted advisor or immediate supervisor.
- Chapter 4 summarizes other perceived outcomes associated with reporting, specifically behaviorally-based questions designed to capture examples of perceived professional reprisal, perceived ostracism, and perceived maltreatment as a result of reporting a sexual assault along with questions regarding who took the action(s), overall perceived impact of these experiences on the respondent's career, involvement of social media, and actions that may have occurred as a result of these perceived behaviors. The estimates presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.
- Chapter 5 summarizes the experiences of respondents with the overall military justice process. This includes the extent respondents felt up to date on the progress of the case, their awareness of individuals involved with the case using discretion, whether charges were preferred or if there was an Article 32 preliminary hearing, whether official actions were taken against the alleged perpetrator, overall perceptions about the military justice process, and experiences of respondents with expedited transfers.
- Chapter 6 provides a summary of chi square analyses investigating potential influences on overall respondent choice to recommend to another survivor to make a report. A merged dataset combining data from the 2016 MIJES and 2015 MIJES¹⁰ administrations was used for all analyses.
- Chapter 7 provides a summary of all findings.

Appendix A contains Frequently Asked Questions (FAQs). Appendix B includes the dynamic Service-specific language presented on the web survey. Appendix C presents findings from members who were not eligible to respond to the full survey because they chose not to participate in the investigation or military justice process; findings summarize why these members chose not to report and whether they received supportive services and resources.

⁹ Appendix C provides findings for three questions, Q17, Q18, and Q127, which are not included in this report because they were only seen by members who were not eligible to complete the survey. These members indicated they chose not to participate in any part of the investigation or military justice process, but were asked follow-up questions about their decision not to participate.

¹⁰ Namrow, N., Hurley, M., Van Winkle, E., & De Silva, S. (2016).

Methodology

OPA conducts both web-based and paper-and-pen surveys to support the personnel information needs of the Under Secretary of Defense for Personnel and Readiness (USD[P&R]). These surveys assess the attitudes and opinions of the entire DoD community on a wide range of personnel issues. This section details the methodology employed for the *2016 MIJES*.

Population and Reporting Categories

The population of interest for the *2016 MIJES* was current uniformed military members who had a closed case (e.g., investigation done, disposition complete, and case information entered into DSAID) between April 1, 2015 and March 31, 2016 (FY14 Q3–FY15 Q2).¹¹ Uniformed military members include members of the active duty (Army, Navy, Marine Corps, and Air Force), the Reserve (Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve), and the National Guard (Army National Guard and Air National Guard). All respondents who met the above criteria were eligible to participate in the survey. Respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by an MCIO, whose alleged perpetrator was not a military member, or who chose not to participate in the investigation or military justice process were ineligible.¹²

Results are presented in this report at the Total DoD level.¹³ Survey items were constructed to be dynamic for web data collection so as to match the Service-specific resources available to each respondent. For example, for items that referenced “Uniformed Victims’ Advocate/Victims’ Advocate,” Army and Army Reserve respondents saw “SHARP Victim Advocate” and Navy and Navy Reserve respondents saw “Unit Sexual Assault Prevention and Response Victim Advocate (Unit SAPR VA) or Sexual Assault Prevention and Response Victims’ Advocate (SAPR VA).” The Tabulation of Responses (OPA, 2017) includes the glossary of specific language presented on the paper survey; both the Tabulation of Responses and Appendix B include the dynamic text used on the web version of the survey.

The survey opened August 29, 2016 and represents data for the first half of FY16 (Q1/Q2), as well as past fiscal years. This survey was conducted across all DoD components including the Reserve/National Guard members. As previously mentioned, the *2016 MIJES* was designed with input from a wide range of SAPR representatives with a shared goal of gathering accurate data on experiences of military members who brought forward a report of sexual assault, while balancing respect for the military member and the need for anonymity. As such, the *2016 MIJES* is an anonymous and voluntary survey and does not use scientific sampling/weighting which would allow generalizability to the full population of military members who have participated in the military investigative and justice processes. Although not generalizable to the full population

¹¹ The total eligible sample number was 2,041 members. There is a distinction between eligibility of respondents and the availability of the data in DSAID. Data were collected on military members whose investigation was completed in FY15 and FY16; therefore to be eligible for *MIJES*, a military member’s case had to be completed after October 1, 2013. However, the sample for the *2016 MIJES* included military members whose cases were entered into DSAID during Q3/Q4 of 2015 (beginning April 1, 2015) and Q1/Q2 of 2016 (through March 31, 2016).

¹² *2016 MIJES* Q1, Q10, Q11, Q16.

¹³ Full results of data provided in the 2016 Military Investigation and Justice Experience Survey: Tabulations of Responses: August 31–December 4, 2015 (OPA, 2016).

of military sexual assault survivors, *MIJES* results provide a rich data source based on the responses of hundreds of military members who brought forward a report of sexual assault, data that has not previously been available.

This anonymous survey was administered via the web and paper-and-pen. The survey administration process began on August 29, 2015, with an e-mail announcement message to military members in the sample.¹⁴ This announcement e-mail explained the *2016 MIJES* data collection effort, why the survey was being conducted, how the survey information would be used, how to access the survey, why participation was important, as well as information about how to opt out of the survey if the sample member did not want to participate. Throughout the administration period, a limited number of additional e-mail reminders were sent to sample members to remind them of the survey effort and to encourage them to take the survey. Data were collected via the web between August 29, 2016 and December 6, 2016. Data were collected via paper-and-pen surveys between September 27, 2016 and December 2, 2016.¹⁵

The initial sample population for the *2016 MIJES* consisted of 3,230 military members who brought forward a report of sexual assault who had a closed case (e.g., investigation done, disposition completed, and case information entered into DSAID) between April 1, 2015 and March 31, 2016 (FY15 Q3 – FY16 Q2). Of the 3,230 military members in the initial sample, 2,041 were current military members as of the Defense Manpower Data Center (DMDC) May 2016 Active Duty Master File (ADMF) or Reserve Master File (RMF) and therefore comprised the eligible sample population. Those who were no longer members of the military as of the May ADMF and RMF were not selected. OPA used contact data to ensure the survey was directed to eligible respondents, however it was not used for any part of the data collection effort and all survey responses received (on both web and paper surveys) were completely anonymous. OPA maintained response anonymity by breaking the link between the sample members' addresses and the survey returns to ensure there was no way to link the respondents' identities to their responses. Additionally, disclosure protection was afforded by the OPA policy on sharing data and management of data per regulations.¹⁶

Overall, 308 members responded to the *2016 MIJES*. Of the respondents who took the survey, 83 were ineligible to answer all the survey questions based on their responses to four eligibility questions and whether they met completion criteria. Specifically, the four eligibility items confirmed that respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by a Military Criminal Investigative Organization, whose perpetrator was not a military Service member, and who chose not to participate in the investigation or military justice process were ineligible respondents (Q1, Q10, Q11, Q16).

¹⁴ Prior to administration, a notification e-mail was sent to sample members by SAPRO Director, Major General Camille Nichols, to validate the survey's legitimacy as well as to make sample members aware that they would be receiving the survey via e-mail or United Parcel Service (UPS) package requiring signature. UPS was used to increase response rates and to provide additional assurance that the survivor alone (e.g., not a family member, roommate) would receive the survey package.

¹⁵ All sample members who had not taken the survey by early September received a paper survey via UPS. The package required the recipient's signature to ensure the sample member was the only one to receive the package in order to maximize privacy.

¹⁶ DMDC (2014). The Office of the Under Secretary of Defense (Personnel and Readiness) Research Regulatory Oversight Office reviewed the *MIJES* and determined that the study was not research involving human subjects according to Department of Defense Instruction 3216.02.

Completion criteria for the survey is defined as answering 50% or more of the questions asked of all respondents.

As seen in Figure 1, after accounting for these five criteria, the 2016 *MIJES* had 225 responders (188 completed web surveys and 37 completed paper surveys) who met all criteria, and therefore are considered eligible responders.

Figure 1.
2016 *MIJES* Responders

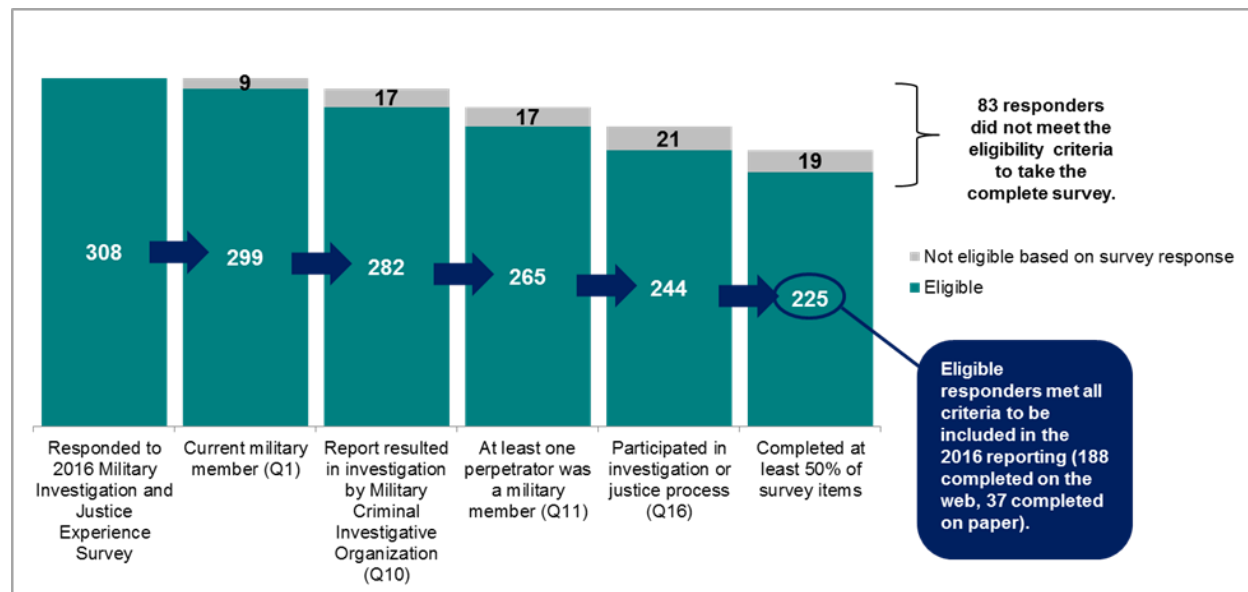


Table 1 shows the number of respondents for the 2016 *MIJES* broken out by individual reporting categories: Total DoD, Gender, Service, Age, and Time When Report Was Made.

- Gender is broken out into two categories: male and female.
- Service is broken out into five categories: Army, Navy, Marine Corps, Air Force, and National Guard. Reserve members are included in the Service totals (e.g., Army Reserve is included in the Army results). National Guard results include both Army National Guard and Air National Guard.
- Age is broken out into three groups: 24 Years Old and Younger, 25-33 Years Old, and 34 Years Old and Older.
- Time When Report Was Made includes four categories: Pre-FY14, FY14, FY15, and FY16. For the 2016 *MIJES*, this is based on when the *final* report was made.¹⁷

¹⁷ A military member who initially makes a restricted report may decide to convert the report to unrestricted. Alternatively, a military member may have their report involuntarily converted if the command or law enforcement is made aware of the incident. Therefore, *final* report indicates the type of report last made by the respondent.

Respondents who made their report before October 1, 2013 are included in *Pre-FY14*; respondents who made their report between October 1, 2013 and September 30, 2014 are included in *FY14*; respondents who made their report between October 1, 2014 and September 30, 2015 are included in *FY15*; and respondents who made their report between October 1, 2015 and March 31, 2016 are included in *FY16*.

Table 1.
Number of Respondents by Reporting Category

	Count	Percent
Total DoD	225	100%
Gender		
Men	22	10%
Women	201	89%
Service/Component		
Army	77	34%
Navy	44	20%
Marine Corps	24	11%
Air Force	68	30%
National Guard	10	4%
Age		
24 Years Old and Younger	80	36%
25-33 Years Old	107	48%
34 Years Old and Older	37	16%
Time When Report Was Made		
Pre-FY14	21	9%
FY14	87	39%
FY15	99	44%
FY16	16	7%

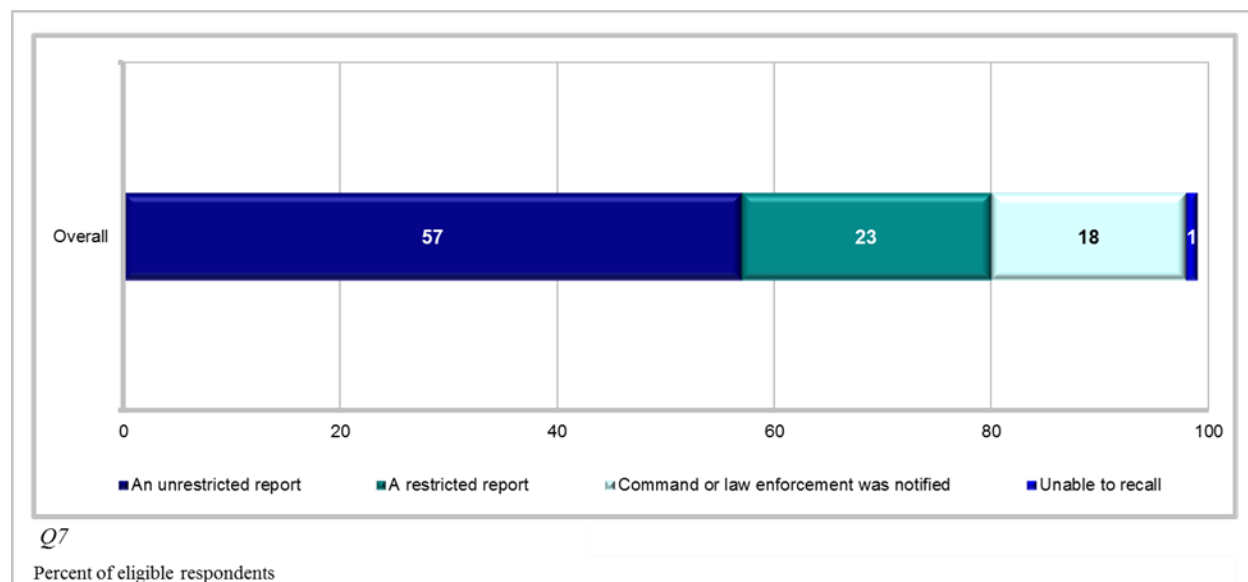
Note. Some reporting category percentages may not add up to 100% due to item nonresponse and/or rounding. Respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by an MCIO, whose alleged perpetrator was not a military member, and who chose not to participate in the investigation or military justice process were ineligible (2016 Q1, Q10, Q11, Q16 *MIJES*).

Results from this survey represent the experiences of survey respondents only and cannot be generalized to the population of all military sexual assault survivors. For some categories, cell sizes were too small to report results without potentially identifying a respondent. In these cases, the cell will reflect “NR” for “Not Reportable.” Due to the anonymous nature of the survey, no administrative data was used to confirm the Service, gender, or paygrade of respondents. Therefore, data in these categories are classified according to self-reported data.

Presentation of Results

Some findings in the *2016 MIJES* are presented in graphical form. Elongated bar charts in this report may not extend to the 100% end of the scale due to rounding. As seen in Figure 2, if this occurs, there is a small space between the bar chart and the end of the chart for results.

Figure 2.
Example Figure



As the data from the *2016 MIJES* are unweighted, results may reflect a “true” 0% (i.e., no respondents endorsed the option). This will be reflected in text and chart form as “0.”

Comparative Analysis

All military members who brought forward a report of sexual assault who met the eligibility criteria during the targeted time frame, and were current military members as of May 2016 were invited to participate in the *2016 MIJES*; however, because the *2016 MIJES* is an anonymous survey, no scientific sampling/weighting was performed, and therefore no margins of error were calculated. Therefore, caution should be taken when interpreting results based on small numbers.

Comparative analyses will be reported in Chapter 6. Estimates reported in this chapter will reflect a “merged” dataset combining parallel data from the *2016 MIJES* and *2015 MIJES* administrations. Caution should be taken when interpreting results based on these analyses as they reflect the responses of those who chose to take the survey and do not represent all members who made a report of sexual assault.

Qualitative Analyses

Within *2016 MIJES*, ten open-ended questions asked respondents to provide additional details or to make suggestions for improvement. For example, Question 97 asked all respondents to specify which services received during the military justice process were the most useful to them. Other questions asked for suggestions for improvements. For example, Question 102 asked all respondents to specify what the DoD could do to help future survivors of sexual assault through the military justice process.

Each open-ended question was content coded by two reviewers to identify the major themes or concerns expressed. Because not every respondent left comments, no attempt was made to quantify comments or make general assertions about the population of respondents based on the comments. However, the summaries of these comments provide insights for consideration by the Department.

Summary

The following chapters provide results from the *2016 MIJES*. As mentioned, findings from this survey only reflect data from the sample members who responded to the survey and cannot be generalized to all military members who made a report of sexual assault. Overall, from August 29 to December 6, 2016, the *2016 MIJES* had 225 completed surveys (188 completed web surveys and 37 completed paper surveys). This is the second administration of the *MIJES*; survey results will continue to be reported out each year.

Chapter 2: Reporting Sexual Assault

This chapter provides information on the method used by the respondent to report the sexual assault. The Department offers military members who experienced a sexual assault two options for formal reporting: *restricted* and *unrestricted* reporting. *Restricted* reporting allows military members to access medical care, mental health care, and advocacy services, without initiating a criminal investigation or notifying their command. An *unrestricted* report allows military members to access the same care as those who file a restricted report, but the report is also referred for investigation to a Military Criminal Investigative Organization (MCIO) and the military member's command is notified of the incident. Military members may also initially make a restricted report, but may later choose to convert this report to an unrestricted report in order to initiate an investigation. Conversely, once a military member makes an unrestricted report, he/she cannot convert this to a restricted report. Respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by an MCIO, whose alleged perpetrator was not a military member, and who chose not to participate in the investigation or military justice process were ineligible.¹⁸

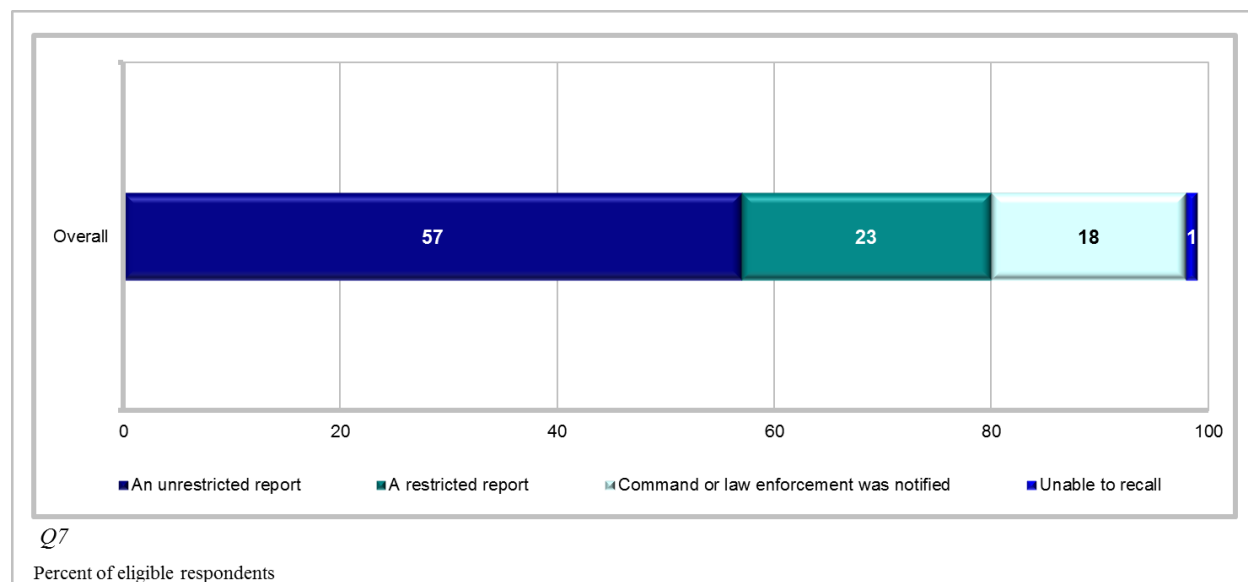
This section includes data on the type of initial report respondents made; for respondents who made a restricted report, whether their report was converted to an unrestricted report, and the time frame in which it was converted; whether the report resulted in a criminal investigation by an MCIO; indication that at least one alleged perpetrator of the reported sexual assault was a military member; time frame for when the report was made in relation to the sexual assault; whether respondents were made aware of their legal rights and who to contact to help them assert their rights; whether respondents participated in any part of the investigation or military justice process for their sexual assault case; and when the sexual assault investigation was closed. Results are presented for survey respondents at the Total DoD level.

Type of Initial Report

As seen in Figure 3, 57% of respondents indicated they initially made an *unrestricted report*, whereas 23% indicated they initially made a *restricted report* and 18% indicated that *command or law enforcement was notified before they could make a reporting option choice*. Only 1% of respondents were *unable to recall* what type of initial report they made. The eligible number of respondents who answered the question is 224.

¹⁸ 2016 MIJES Q1, Q10, Q11, and Q16.

Figure 3.
Type of Initial Report Made

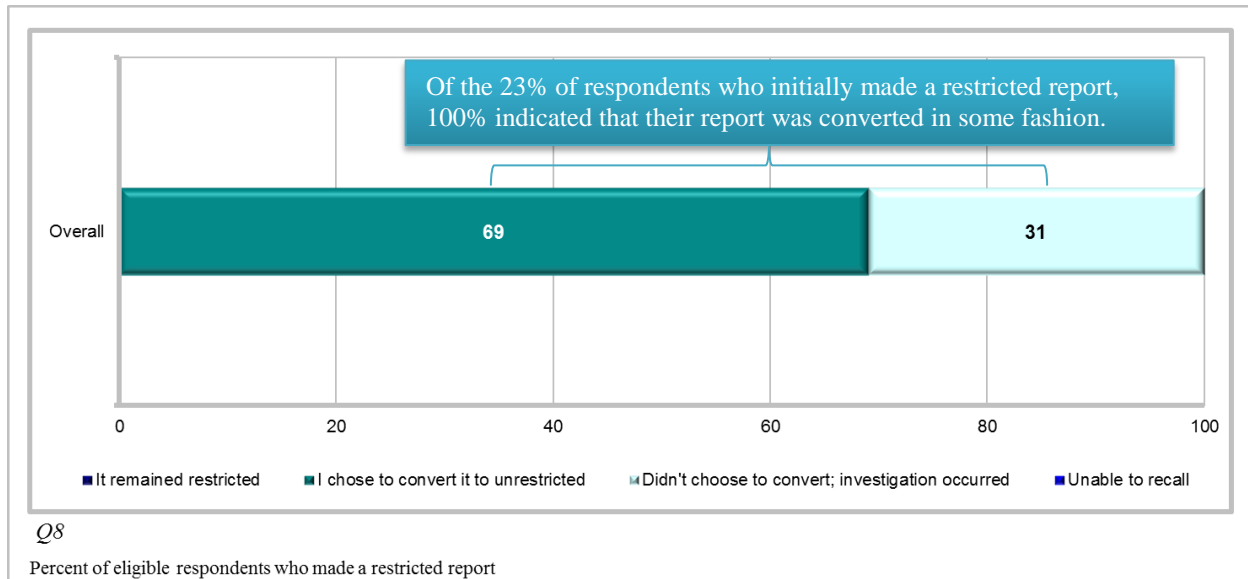


Restricted Report Converted to Unrestricted Report

As mentioned, a military member who initially makes a restricted report may decide to convert the report to unrestricted in order to initiate an investigation by an MCIO. Alternatively, if command or law enforcement is made aware of the incident, an investigation may proceed without the military member's participation.

The survey asked respondents to indicate whether their restricted report was converted to an unrestricted report for any reason. As seen in Figure 4, of the 23% of respondents who initially made a restricted report, 69% indicated *they chose to convert it to unrestricted* and 31% indicated *they did not choose to convert their report, but an independent investigation occurred anyway (for example, someone they talked to about it notified their chain of command and they initiated an investigation)*. The eligible number of respondents who answered the question is 52.

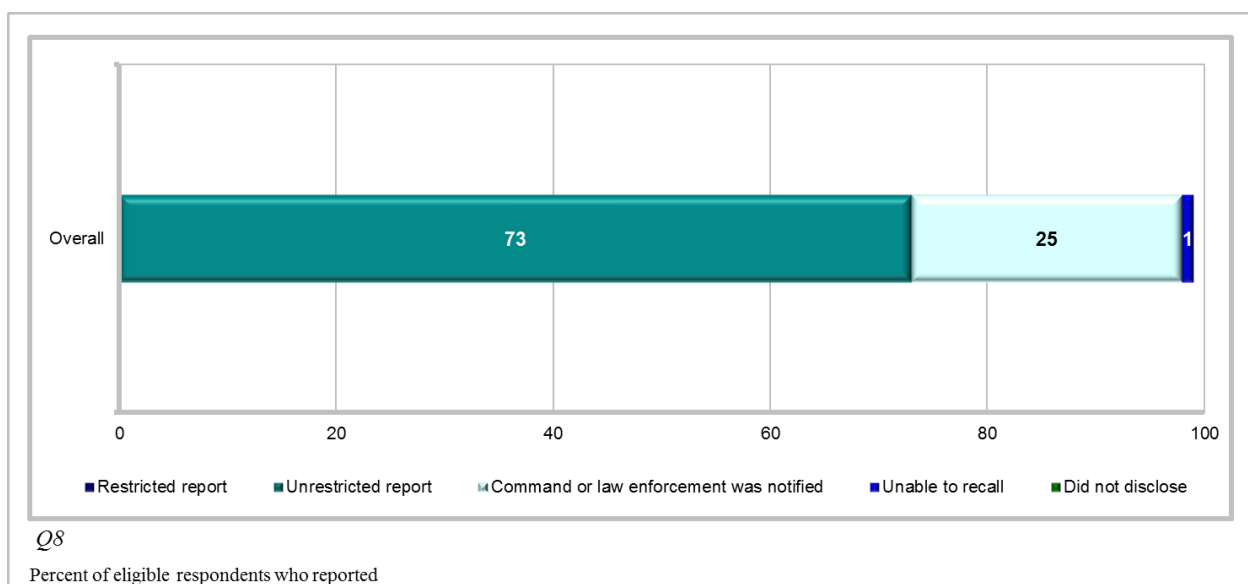
Figure 4.
Restricted Report Converted to Unrestricted Report



Final Report Type

As seen in Figure 5, 73% of respondents indicated their final report, including those restricted reports that were converted to unrestricted, was an *unrestricted report*, 25% indicated *command or law enforcement was notified*, and 1% indicated they were *unable to recall*. The eligible number of respondents who answered the question is 225.

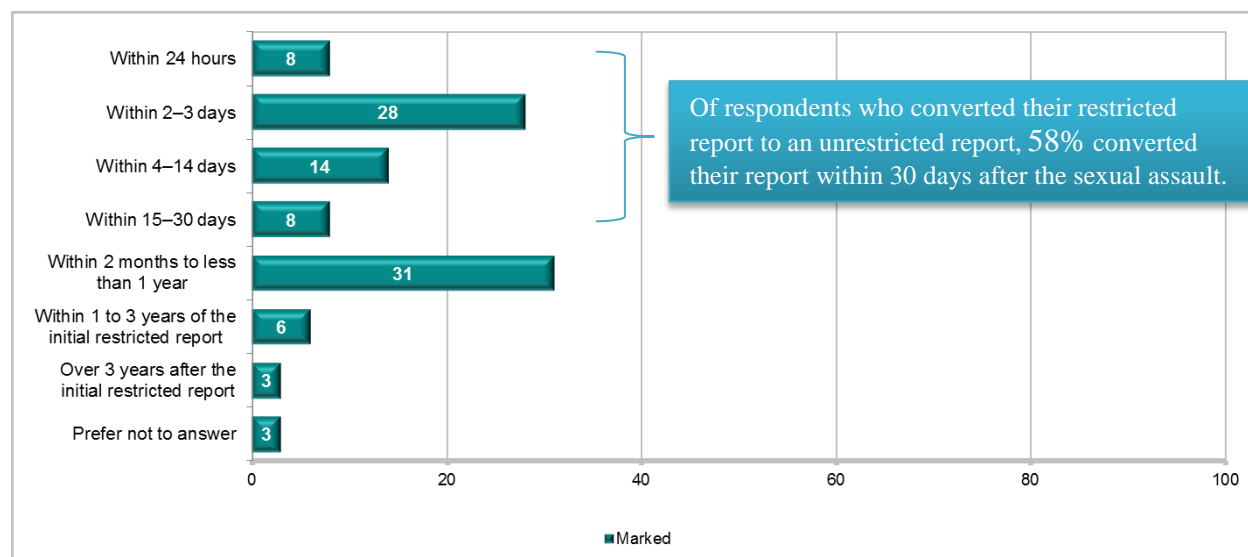
Figure 5.
Final Report Type



Time to Convert Restricted Report to Unrestricted Report

There are several factors that may impact a military member's decision to convert a restricted report to an unrestricted report. Therefore, military members might take their time in deciding whether or not to make this decision. As seen in Figure 6, for respondents who converted their restricted report to an unrestricted report, 31% indicated that they converted their report *within 2 months to less than 1 year* after the sexual assault occurred, 28% indicated *within 2-3 days*, 14% indicated *within 4-14 days*, 8% indicated *within 24 hours*, 8% indicated *within 15-30 days*, 6% indicated *within 1 to 3 years of the initial restricted report*, 3% indicated *over 3 years after the initial restricted report* and 3% indicated that they *prefer not to answer*. The eligible number of respondents is 36.

Figure 6.
Time to Convert Restricted Report to Unrestricted Report



Q9

Percent of eligible respondents who took the survey and converted their restricted report to an unrestricted report.

Details of Reporting

Respondents were asked to specify certain details about the report they made. Specifically, they were asked whether their report resulted in a criminal investigation by an MCIO,¹⁹ if at least one alleged perpetrator was a military member, the time frame for when they made their report, and how soon after the sexual assault occurred they chose to make their report.

Report Resulted in a Military Criminal Investigation

Per eligibility requirements, all respondents to the 2016 MIJES must have participated in a criminal investigation. Each Service has its own MCIO to conduct these investigations. To

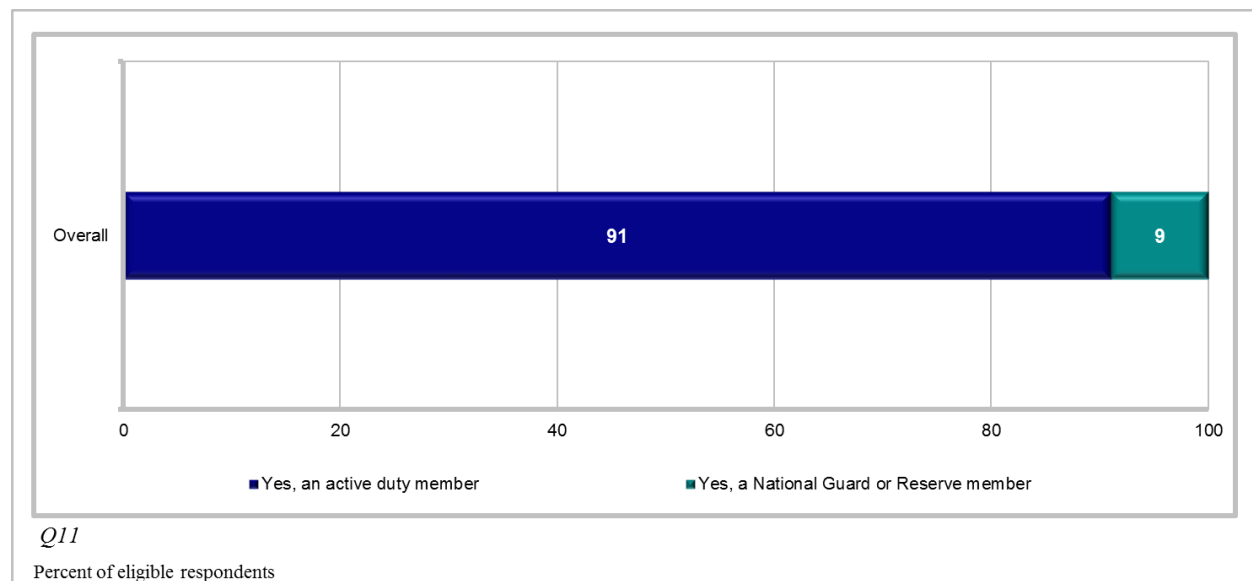
¹⁹ The MCIOs for the Services are as follows: Criminal Investigation Command (CID) [Army], Naval Criminal Investigative Service (NCIS) [Navy/Marine Corps], and Office of Special Investigations (OSI) [Air Force].

ensure eligibility, respondents were asked on the 2016 *MIJES* whether they made a formal report. Of respondents who made a formal report, 100% indicated that their report of sexual assault resulted in a criminal investigation by an MCIO.

Alleged Perpetrator Was a Military Member

An MCIO investigation is often dependent on whether the alleged perpetrator of the crime is a military member. Per eligibility requirements, all respondents to the 2016 *MIJES* must have indicated that at least one alleged perpetrator(s) was a military member. As seen in Figure 7, 91% of respondents indicated that *yes, an active duty member* was the alleged perpetrator of the sexual assault and 9% indicated that *yes, a National Guard or Reserve member* was the alleged perpetrator. The eligible number of respondents who answered the question is 224.

Figure 7.
Alleged Perpetrator Was a Military Member



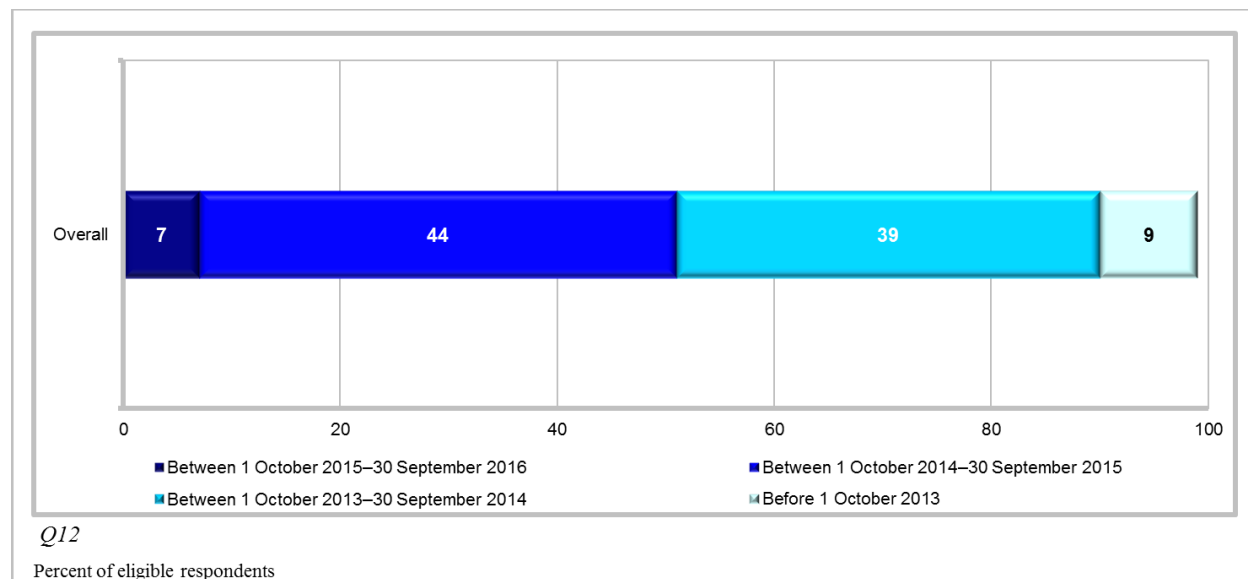
Time Frame for When Report Was Made

There have been many improvements and implementation of additional supports for military members in Sexual Assault and Prevention Response (SAPR) resources and programs over the last few years. In order for the Department to know which services were available to the military member immediately after their report of sexual assault, respondents were asked to indicate the time frame that most accurately represents when they reported their sexual assault.²⁰ As seen in Figure 8, 7% of respondents indicated that their report was made *between 1 October 2015–30 September 2016* (FY16), 44% indicated their report was made *between 1 October 2014–30*

²⁰ Respondents who made an *unrestricted report*, were asked to provide information on that report. Those whose restricted report was *converted to an unrestricted report* were asked to provide information on the unrestricted report. Those whose report was *investigated before they could make a reporting option choice* were asked to provide information for when the command was notified.

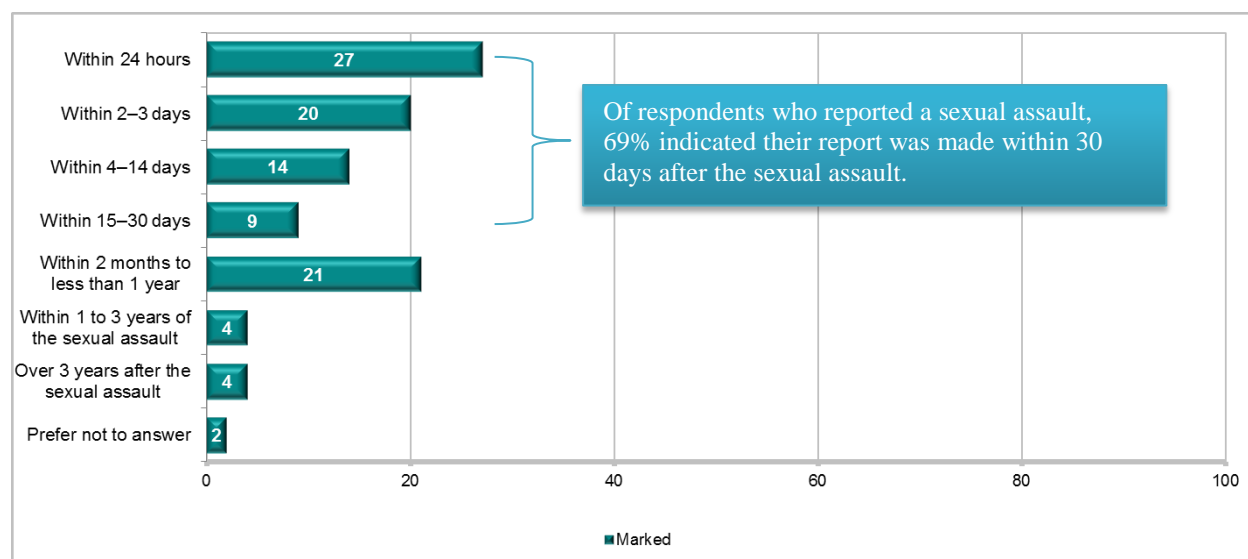
September 2015 (FY15), 39% indicated their report was made *between 1 October 2013–30 September 2014* (FY14), and 9% indicate their report was made *before 1 October 2013* (pre-FY14). The eligible number of respondents who answered the question is 223.

Figure 8.
Time Frame for When Report Was Made



Time Frame for How Soon the Report Was Made After the Sexual Assault Occurred

The length of time between when an assault occurs and when a report is made can often impact the outcome of an investigation. Therefore it is of interest to the Department to know how long after the assault most military members report. As seen in Figure 9, of respondents who reported a sexual assault, 27% indicated their report was made *within 24 hours* of the sexual assault, 21% indicated that they made their report *within 2 months to less than 1 year* of the sexual assault occurring, 20% indicated that they made their report *within 2-3 days*, 14% indicated *within 4-14 days*, 9% indicated *within 15-30 days*, 4% indicated *within 1 to 3 years of the sexual assault*, 4% indicated that they chose to report *over 3 years after the sexual assault*, and 2% indicated that they *preferred not to answer*. The eligible number of respondents who answered the question is 225.

Figure 9.***Time Frame for How Soon the Report Was Made After the Sexual Assault Occurred***

Q13

Percent of eligible respondents who took the survey.

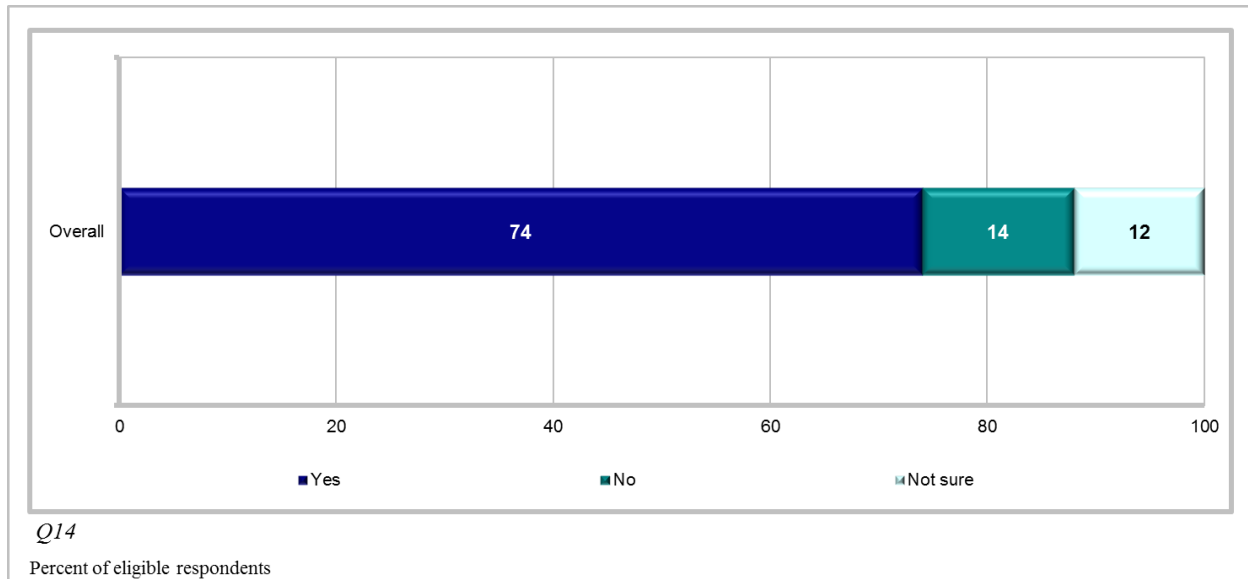
Military Justice Process Details

Throughout the remainder of the survey, respondents were asked about their experience with the “military justice process.” While agencies often work together when handling sexual assault cases, for the purposes of this survey, OPA uses the term “military justice process” to refer only to the military justice legal proceedings associated with the report of sexual assault, separate from the investigation. It is up to military members to decide whether or not they want to participate in the military justice process, though participation often assists the investigation and legal proceedings. Respondents were asked about their awareness of their legal rights, whether they decided to participate in any part of the investigation or military justice process for their sexual assault case, and how long ago their sexual assault investigation was closed.

Made Aware of Legal Rights Throughout the Military Justice Process

Military members who report a sexual assault are to be made aware of their legal rights including their right to be heard, right to confer with an attorney, and right to proceedings without unreasonable delay. Respondents were asked whether they had been made aware of their legal rights throughout the military justice process. As seen in Figure 10, 74% indicated *yes*, they were made aware, 14% indicate *no*, and 12% indicated they were *not sure*. The eligible number of respondents who answered the question is 225.

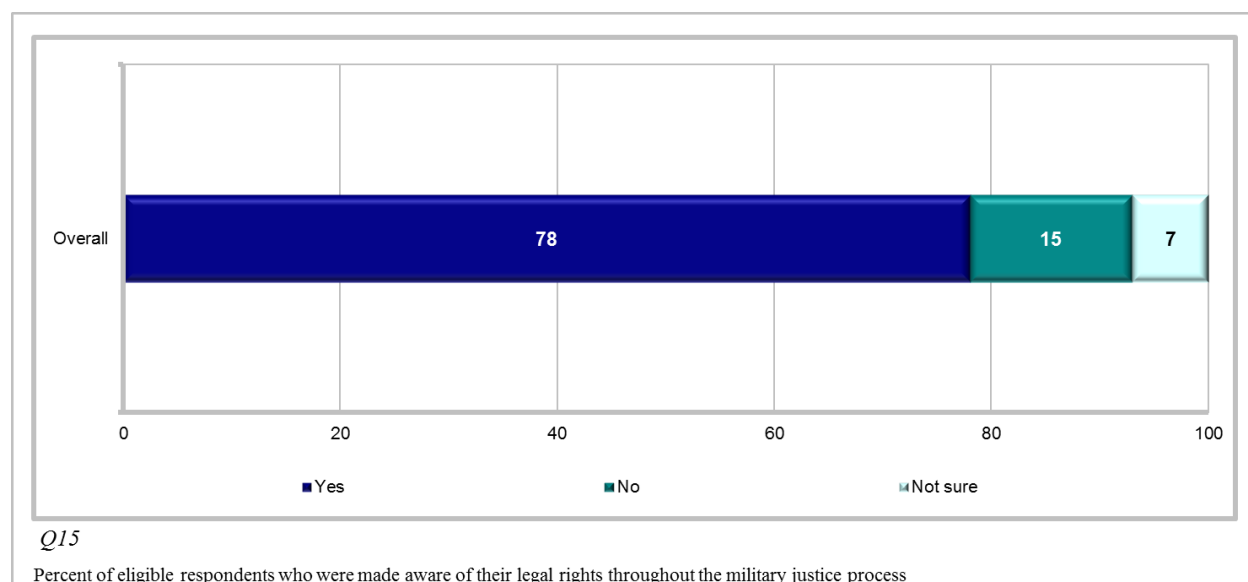
Figure 10.
Made Aware of Legal Rights Throughout the Military Justice Process



Knew Who to Contact to Help Assert Rights

As indicated above, military members who report a sexual assault have legal rights throughout the military justice process. Members who choose to report a sexual assault should be provided information regarding who they can contact to help them assert these legal rights. As seen in Figure 11, of respondents who indicated they had been made aware of their legal rights throughout the military justice process, 78% indicated *yes*, they knew who to contact to help assert their rights, 15% indicated *no*, and 7% indicated they were *not sure*. The eligible number of respondents who answered the question is 166.

Figure 11.
Knew Who to Contact to Help Assert Rights



Participation in any Part of the Investigation or Military Justice Process

Per eligibility requirements, all respondents to the 2016 MIJES must have indicated that they participated in some part of the investigation and/or military justice processes for their sexual assault case. Of respondents who reported a sexual assault, 100% indicated that *yes, they participated in all or some of the investigation and/or military justice process.*

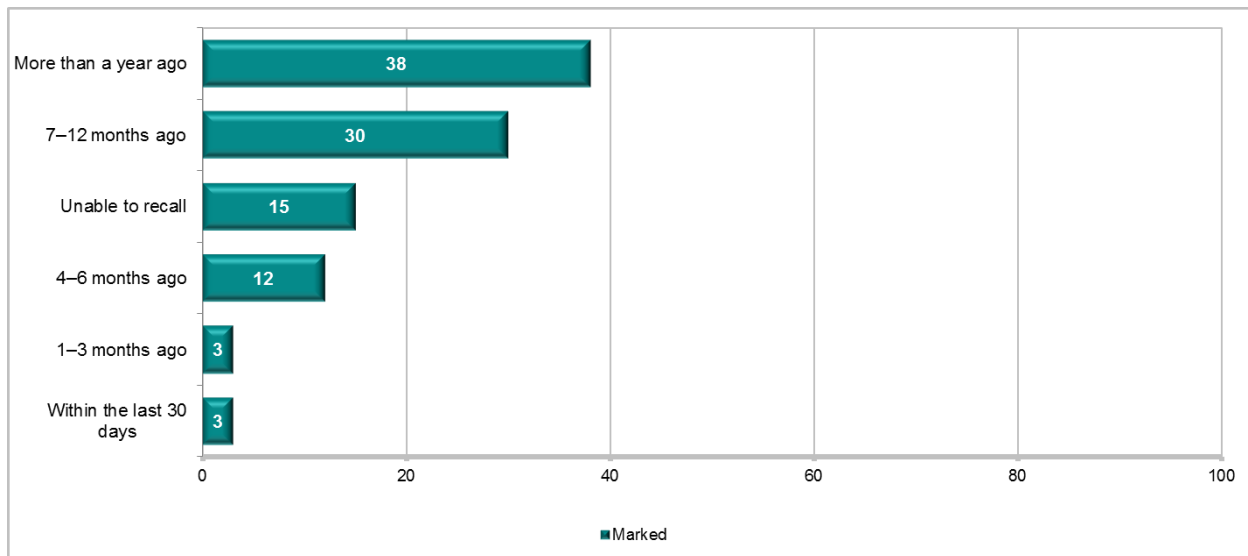
Time Frame for When Sexual Assault Investigation Closed²¹

Criteria for eligibility to take the 2016 MIJES includes SAPR personnel indicating that the military member's case had been closed in Defense Sexual Assault Incident Database (DSAID). However, often there is a delay in entering this information into DSAID, and OPA cannot assure information is entered immediately after the case is closed. Therefore, the Department asked MIJES respondents when they believed the investigation closed.

As seen in Figure 12, of respondents who made a report of sexual assault, 38% indicated that the investigation closed *more than a year ago*, 30% indicated the investigation closed *7-12 months ago*, 15% indicated they were *unable to recall* when their investigation closed, 12% indicated *4-6 months ago*, 3% indicated *1-3 months ago*, and 3% indicated that their sexual assault investigation was closed *within the last 30 days* before taking the survey. The eligible number of respondents who answered the question is 223.

²¹ If a respondent did not participate in the investigation, they are unable to gauge their satisfaction with resources and were, therefore, not included as an eligible respondent. Thus, questions 17 ("Were you assigned a Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC)") and 18 ("Why did you choose not to participate in the investigation or military justice process?") in the 2016 MIJES were not included in this report because they were designed to capture information on respondents who were ineligible for the survey. Similar questions were asked of eligible respondents.

Figure 12.
Time Frame for When Sexual Assault Investigation Closed



Q19

Percent of eligible respondents who took the survey.

The following chapter reflects respondents' opinions about the SAPR resources and programs available to them during the military justice process.

Chapter 3:

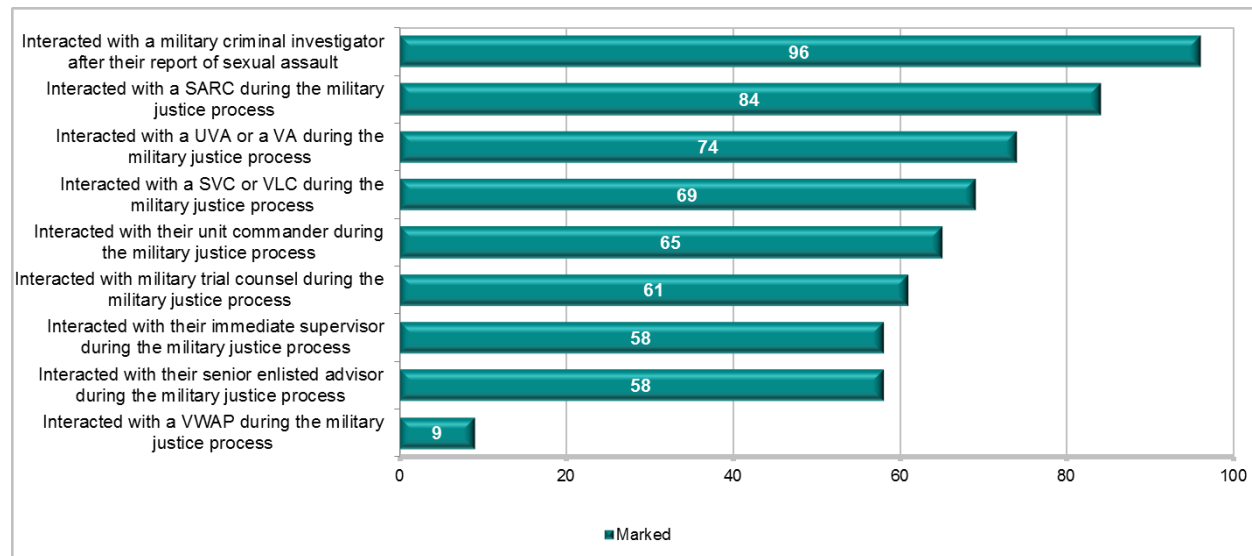
Experiences With Sexual Assault Prevention and Response (SAPR) Resources and Command

Military members who make an unrestricted report of sexual assault have a variety of resources available to them throughout the military justice process. This chapter provides information about the experiences and assessments of resources that respondents elected to use and interact with during the military justice process as well as experiences with command. Resources include the Sexual Assault Response Coordinator (SARC), the Uniformed Victim Advocate (UVA)/Victim Advocate (VA), military criminal investigators, military trial counsel, Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC), and Victim Witness Assistance Provider (VWAP). Command includes the respondent's unit commander and their immediate supervisor and/or senior enlisted advisor. Results are presented for respondents at the Total DoD level.

Interaction With SAPR Resources and Command

As seen in Figure 13, 96% of respondents indicated interacting with *a military criminal investigator after their report of sexual assault*, 84% indicated interacting with *a SARC* and 74% indicated interacting with *a UVA or a VA*. Sixty-nine percent indicated interacting with *a SVC or VLC*, 65% indicated interacting with *their unit commander*, 61% indicated interacting with *military trial counsel*, 58% indicated interacting with their *immediate supervisor*, and 58% indicated interacting with their *senior enlisted advisor* during the military justice process. Nine percent indicated they interacted with a *VWAP* during the military justice process. These percentages are of the total population of respondents. All information about resources used or available and levels of command highlighted in the rest of the chapter are based only on those respondents indicating that they interacted with the specific resource. These percentages are out of the total population of eligible respondents.

Figure 13.
Interaction With SAPR Resources and Command



Q20, Q23, Q30, Q33, Q37, Q48, Q52, Q55, Q58

Experiences With Sexual Assault Response Coordinator (SARC)

The position of the SARC was established to coordinate sexual assault victim care. Upon receipt of a report of sexual assault, the SARC assigns a VA to help military members obtain necessary services and provides crisis intervention, referrals, and ongoing nonclinical support. This support includes providing information on available options and resources so the military member can make informed decisions about the case.

The SARC serves as the single point of contact to coordinate sexual assault victim care. The term “Sexual Assault Response Coordinator” is a term utilized throughout DoD and the Services to facilitate communication and transparency regarding sexual assault response capability. The SARC is responsible for providing a variety of resources to military members who bring forward a report of sexual assault, including ensuring there is 24/7 response capability, ensuring appropriate care is coordinated and provided to military members, and tracking the services provided from initial report through final disposition.

Interaction With a SARC During the Military Justice Process

84% of respondents indicated interacting with a SARC during the military justice process.

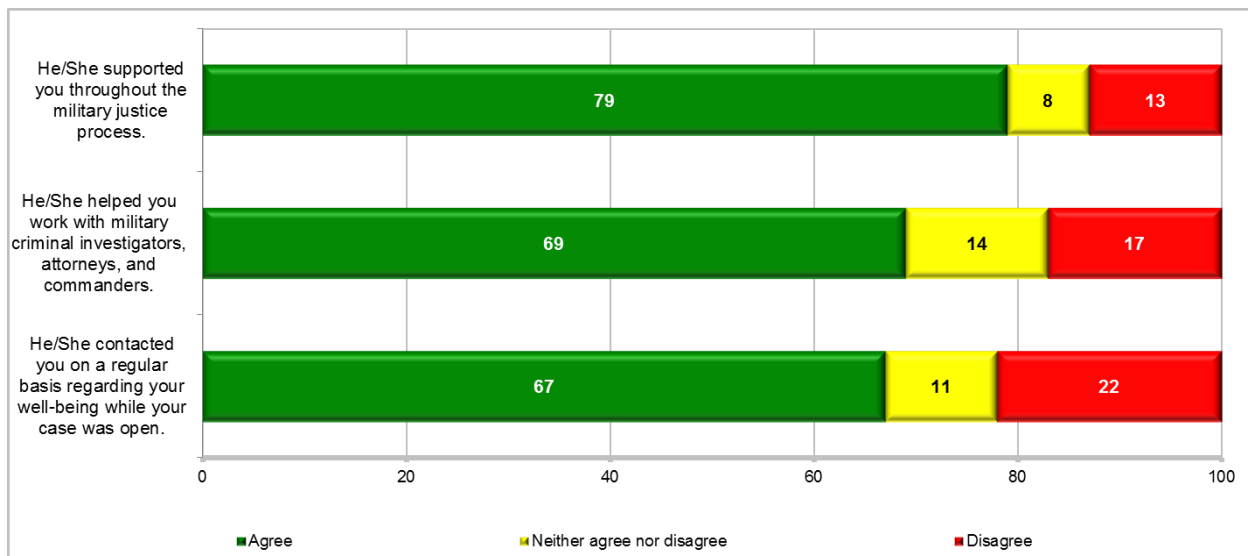
The eligible number of respondents who answered the question is 223. The remaining items in this section are of this 84%.

Assessment of Experiences With SARC

As seen in Figure 14, respondents who interacted with a SARC during the military justice process were asked whether they **agreed** with statements pertaining to their experience with the

SARC. Overall, 79% indicated the SARC *supported them throughout the military justice process*; 69% indicated the SARC *helped them work with military criminal investigators, attorneys, and commanders*; and 67% indicated the SARC *contacted them on a regular basis regarding their well-being while their case was open*. Of respondents who interacted with a SARC during the military justice process, respondents indicated they **disagreed** that the SARC *contacted them on a regular basis regarding their well-being while their case was open* (22%); *helped them work with military criminal investigators, attorneys, and commanders* (17%); and *supported them throughout the military justice process* (13%). The eligible number of respondents who answered the question ranges from 183-186. Results exclude those who indicated “Not applicable.”

Figure 14.
Assessment of Experiences With SARC



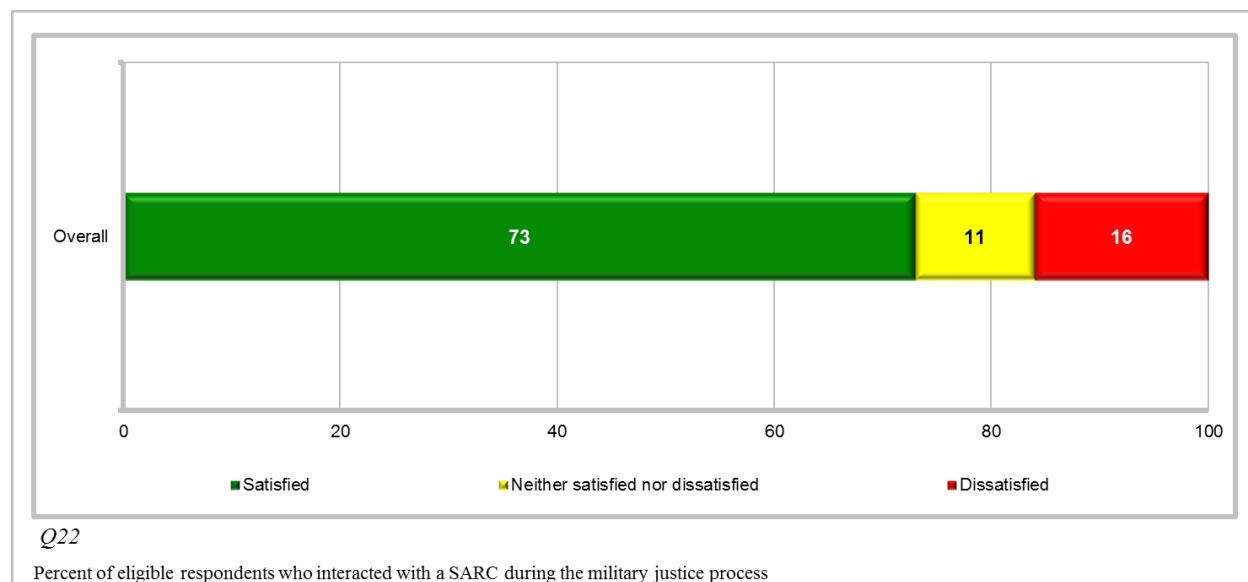
Q21

Percent of eligible respondents who took the survey and interacted with a SARC during the military justice process.

Satisfaction With SARC During the Military Justice Process

As seen in Figure 15, of respondents who interacted with a SARC during the military justice process, 73% indicated that they were *satisfied* with the services of their SARC during the military justice process; 16% were *dissatisfied*. The eligible number of respondents who answered the question is 186.

Figure 15.
Satisfaction With SARC During the Military Justice Process



Experiences With Uniformed Victim Advocate (UVA)/Victim Advocate (VA)

The Department offers survivors of sexual assault assistance and services from SARCs and UVAs/VAs. A UVA is a Uniformed Victims' Advocate (typically a military member) and a VA is an installation-level Victims' Advocate (typically a DoD civilian). A military member who makes a report of sexual assault may interact with a UVA, a VA, or potentially both.²² As Services and components have different names for these providers, for the paper mode of the survey, a glossary was provided, and for the web version of the survey, dynamic text was used.²³ For the purposes of this report, these resources, when combined, will be referred to as UVA/VA.

UVAs/VAs are professionals trained to support victims of crime. UVAs/VAs offer information, emotional support, and help finding resources and filling out paperwork to military members who bring forward a report of sexual assault. A UVA/VA will accompany these military members to interviews and appointments and may continue to assist them until they no longer feel a need for support. UVAs/VAs also provide direct assistance to military members who bring forward a report of sexual assault, listen to their needs, and then connect them with appropriate resources, including medical care, mental health care, legal advice, and spiritual support. UVAs/VAs work with military members to help them make informed choices and then support them each step of the process. UVAs/VAs report directly to the SARC for Victim Advocate duties, specifically that they are available to respond 24 hours a day, 7 days a week, provide ongoing nonclinical support, facilitate care for the military member, provide information on options and resources, assist the military member with accessing resources, accompany the

²² A military member may interact with both a UVA and a VA in certain circumstances, including if the military member makes an initial report to the UVA and the UVA refers him/her to the installation VA.

²³ Dynamic text used for the web version of the survey is provided in Appendix B. Glossary presented for paper mode is provided in the 2016 Military Investigation and Justice Experience Survey: Tabulations of Responses: August 29–December 6, 2016 (OPA, 2016).

military member to appointments, if desired, and provide monthly case status updates to the military member.

Interaction With a UVA/VA During the Military Justice Process

74% of respondents indicated interacting with a UVA and/or a VA during the military justice process.

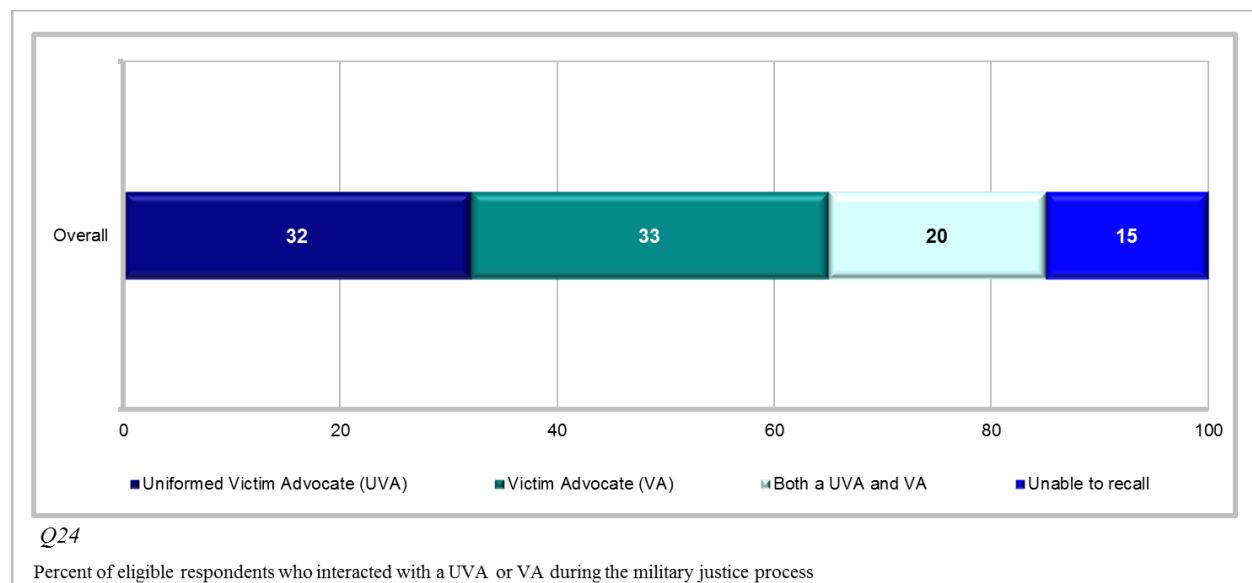
The eligible number of respondents who answered the question is 224. The remaining items in this section are of this 74%.

Type of UVA/VA the Respondent Interacted With

As seen in Figure 16, of respondents who interacted with a UVA or VA during the military justice process, 32% indicated they interacted with an UVA, 33% indicated they interacted with a VA, 20% indicated interacting with *both a UVA and VA*, whereas 15% were *unable to recall* with which type of advocate they interacted. Therefore, of those who indicated interacting with a UVA and/or a VA, 52% indicated using a UVA and 53% used with a VA. The eligible number of respondents who answered the question is 165.

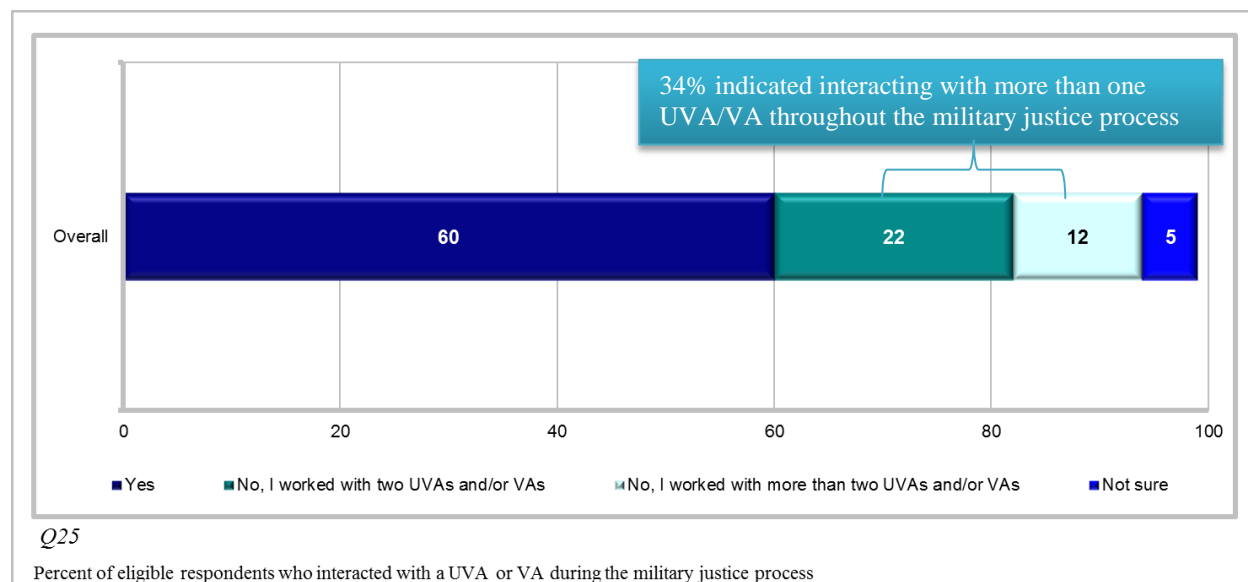
Figure 16.

Type of UVA/VA the Respondent Interacted With



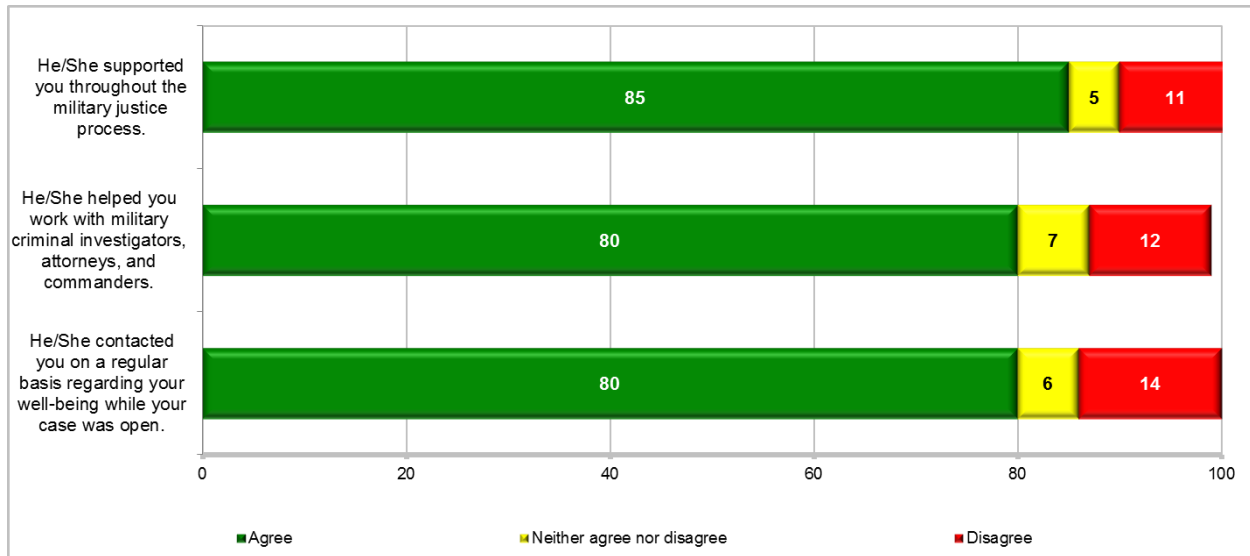
Worked With Same UVA/VA Throughout the Military Justice Process

As seen in Figure 17, of respondents who interacted with a UVA or VA during the military justice process, 60% indicated *yes*, they worked with the same UVA/VA during the military justice process. 22% of respondents indicated *no, they worked with two UVAs and/or VAs*, 12% indicated *no, they worked with more than two UVAs and/or VAs*, and 5% indicated they were *not sure* if they worked with the same UVA/VA throughout the military justice process.

Figure 17.***Worked With Same UVA/VA Throughout the Military Justice Process******Assessment of Experiences With UVA***

As seen in Figure 18, respondents who interacted with a UVA during the military justice process were asked whether they **agreed** with statements pertaining to their experience with the UVA. Overall, 85% indicated the UVA *supported them throughout the military justice process*; 80% indicated the UVA *helped them work with military criminal investigators, attorneys, and commanders*; and 80% indicated the UVA *contacted them on a regular basis regarding their well-being while their case was open*. Of respondents who interacted with the UVA during the military justice process, respondents indicated they **disagreed** that the UVA *contacted them on a regular basis regarding their well-being while their case was open* (14%); *helped them work with military criminal investigators, attorneys, and commanders* (12%); and *supported them throughout the military justice process* (11%). The eligible number of respondents ranges from 84-85. Results exclude those who indicated “Not applicable.”

Figure 18.
Assessment of Experiences With UVA



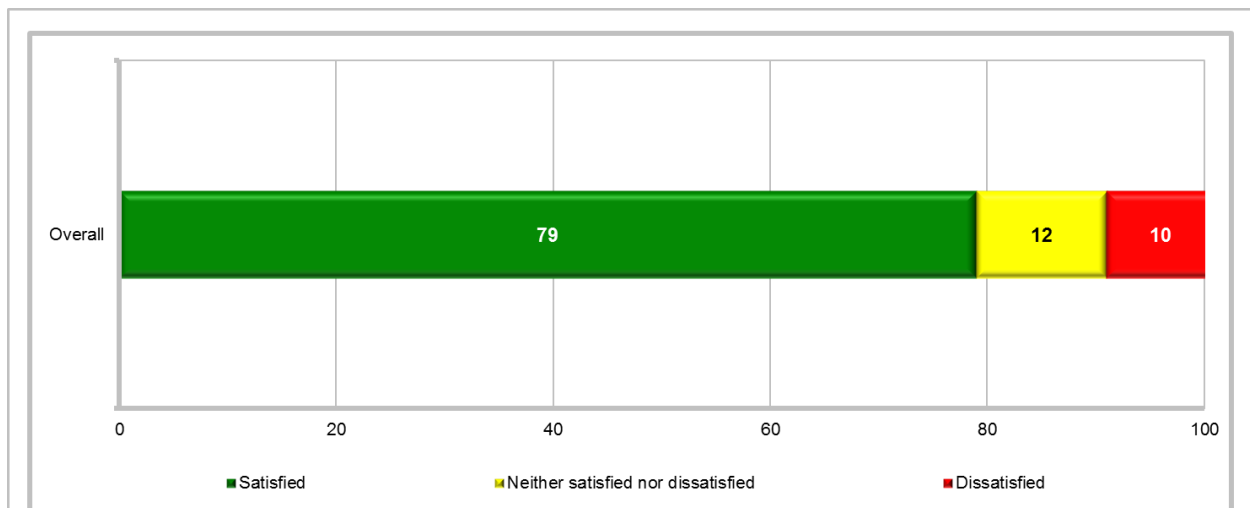
Q26

Percent of eligible respondents who took the survey and interacted with a UVA during the military justice process.

Satisfaction With UVA During the Military Justice Process

As seen in Figure 19, of respondents who interacted with a UVA during the military justice process, 79% indicated that they were *satisfied* with the services of their UVA during the military justice process, whereas 10% were *dissatisfied*. The eligible number of respondents who answered the question is 84.

Figure 19.
Satisfaction With UVA During the Military Justice Process



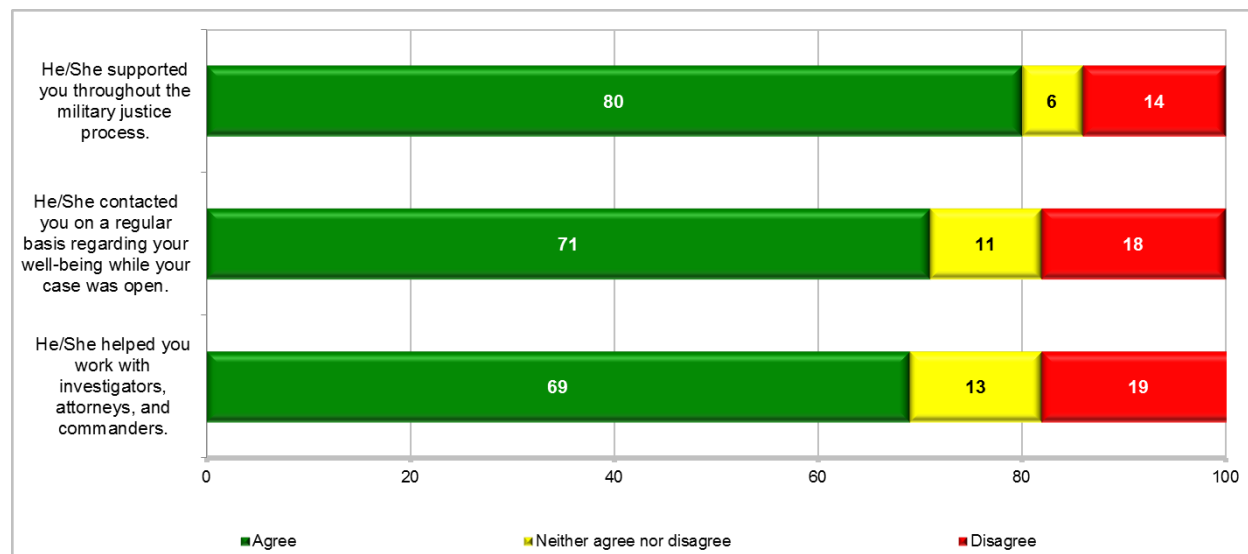
Q27

Percent of eligible respondents who interacted with a UVA during the military justice process

Assessment of Experiences With VA

As seen in Figure 20, respondents who interacted with a VA during the military justice process were asked whether they **agreed** with statements pertaining to their experience with the VA. Overall, 80% indicated the VA *supported them throughout the military justice process*; 69% indicated the VA *helped them work with military criminal investigators, attorneys, and commanders*; and 71% indicated the VA *contacted them on a regular basis regarding their well-being while their case was open*. Of respondents who interacted with the VA during the military justice process, respondents indicated they **disagreed** that the VA *helped them work with military criminal investigators, attorneys, and commanders* (19%); *contacted them on a regular basis regarding their well-being while their case was open* (18%); and *supported them throughout the military justice process* (14%). The eligible number of respondents ranges from 84-88. Results exclude those who indicated “Not applicable.”

Figure 20.
Assessment of Experiences With VA



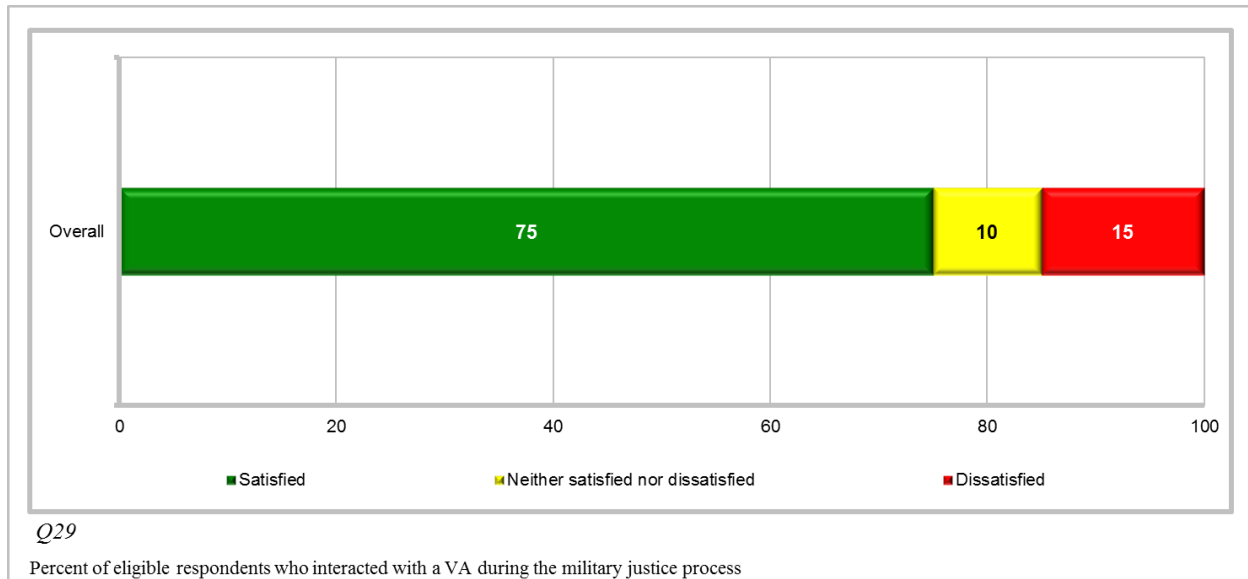
Q28

Percent of eligible respondents who took the survey and interacted with a VA during the military justice process.

Satisfaction With VA During the Military Justice Process

As seen in Figure 21, of respondents who interacted with a VA during the military justice process, 75% indicated that they were *satisfied* with the services of their VA during the military justice process, whereas 15% were *dissatisfied*. The eligible number of respondents who answered the question is 88.

Figure 21.
Satisfaction With VA During the Military Justice Process



Experiences With Military Criminal Investigative Organizations (MCIO)

The DoD Inspector General (IG) has statutory authority in accordance with the Inspector General Act of 1978, as amended, for policy, oversight, and performance evaluation with respect to “all DoD activities relating to criminal investigation programs.” This guidance directs the DoD IG to develop policy and to oversee the Department’s criminal investigative organizations’ investigations of sexual assaults. Within the Department, the Military Criminal Investigative Organizations (MCIOs) are responsible for investigating all adult sexual assaults.²⁴ The MCIOs are also responsible for the development of specific investigative policies and requirements to govern the investigation of adult sexual assault, as well as training assigned special agents in accordance with the Services’ training standards.

DoDD 6495.01 requires:

“[A]n immediate, trained sexual assault response capability shall be available for each report of sexual assault in all locations, including in deployed locations. The response time may be affected by operational necessities, but will reflect that sexual assault victims shall be treated as emergency cases.”

Within the Department, MCIOs provide a trained response capability to investigate reports of sexual assaults in all locations. DoDI 6495.02 establishes requirements and responsibilities for DoD Components, including SAPRO, the DoD IG, and the Secretaries of the Military Departments, relating to DoD’s response to sexual assault incidents. The Instruction designates the MCIO criminal investigators as DoD sexual assault first responders. DoDI 5505.18

²⁴ The MCIOs include the U.S. Army Criminal Investigation Command (CID), Naval Criminal Investigative Service (NCIS), and Air Force Office of Special Investigations (OSI).

establishes policy, assigns responsibilities, and provides procedures for the investigation of sexual assault with adult victims within the DoD. It is DoD policy that MCIOs will initiate investigations of all offenses of adult sexual assault of which they become aware.²⁵

Military members who brought forward a report of sexual assault may interact with several military criminal investigators throughout the investigation process. Therefore respondents were asked to think about their overall experience working with military criminal investigator(s).

Interaction With a Military Criminal Investigator

96% of respondents indicated interacting with a military criminal investigator after their report of sexual assault.

The eligible number of respondents who answered the question is 224. The remaining items in this section are of this 96%.

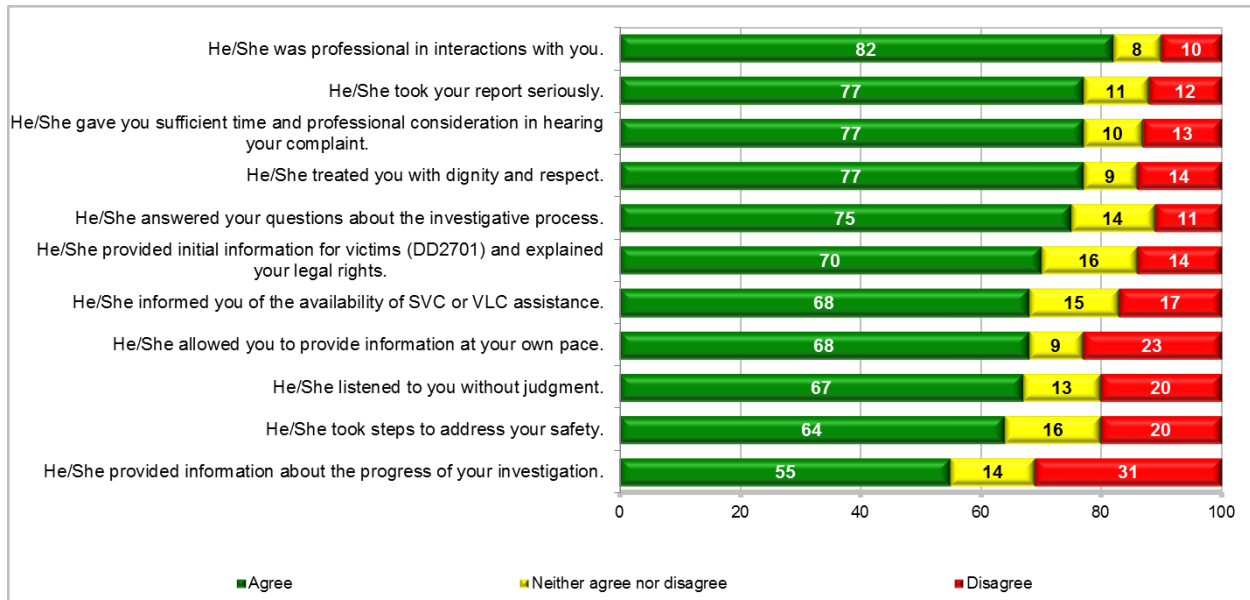
Assessment of Experiences With Military Criminal Investigator

As seen in Figure 22, respondents who interacted with a military criminal investigator (MCI) after their report of sexual assault were asked whether they **agreed** with statements pertaining to their experience with the MCI. Overall, 82% indicated the MCI *was professional in interactions with them*, 77% indicated the MCI *took their report seriously*, 77% indicated the MCI *gave them sufficient time and professional consideration in hearing their complaint*, 77% indicated the MCI *treated them with dignity and respect*, 75% indicated the MCI *answered their questions about the investigative process*, 70% indicated the MCI *provided initial information for victims (DD2701) and explained their legal rights*, 68% indicated the MCI *informed them of the availability of Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC) assistance*, 68% indicated the MCI *allowed them provide information at their own pace*, 67% indicated the MCI *listened to them without judgment*, 64% indicated the MCI *took steps to address their safety*, and 55% indicated the MCI *provided information about the progress of their investigation*.

Of respondents who interacted with a MCI after their report of sexual assault, respondents indicated they **disagreed** that the MCI *provided information about the progress of their investigation* (31%), *allowed them provide information at their own pace* (23%), *took steps to address their safety* (20%), *listened to them without judgment* (20%), *informed them of the availability of Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC) assistance* (17%), *provided initial information for victims (DD2701) and explained their legal rights* (14%), *treated them with dignity and respect* (14%), *gave them sufficient time and professional consideration in hearing their complaint* (13%), *took their report seriously* (12%), *answered their questions about the investigative process* (11%), and *was professional in interactions with them* (10%). The eligible number of respondents who answered the question ranges from 204-214. Results exclude those who indicated "Not applicable."

²⁵ DoDIG (2015).

Figure 22.
Assessment of Experiences With Military Criminal Investigator

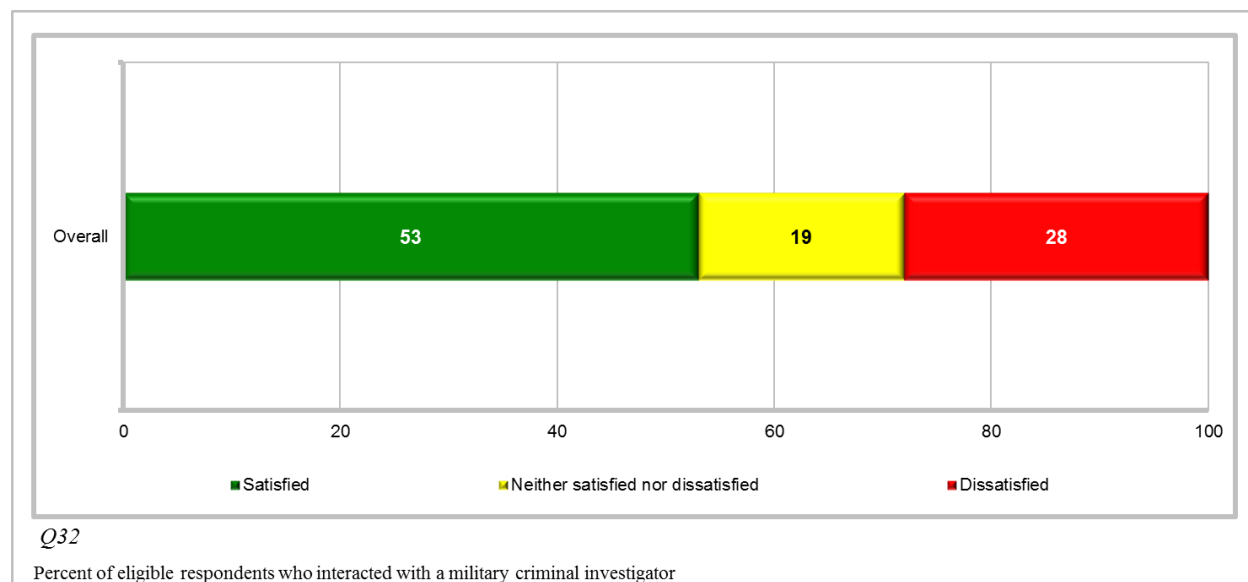


Q31

Percent of eligible respondents who took the survey and interacted with a military criminal investigator after their report of sexual assault.

Satisfaction With Military Criminal Investigators During the Criminal Investigation Process

As seen in Figure 23, of respondents who interacted with a military criminal investigator after their report of sexual assault, 53% indicated that they were *satisfied* with the military criminal investigator(s) during the criminal investigation process, whereas 28% were *dissatisfied*. The eligible number of respondents who answered the question is 214.

Figure 23.***Satisfaction With Military Criminal Investigators During the Criminal Investigation Process*****Experiences With Military Trial Counsel**

Respondents were asked about their experiences with military trial counsel (i.e., the military attorney who prosecuted their case). Military members who brought forward a report of sexual assault may interact with more than one military trial counsel throughout the military justice process, and therefore respondents were asked to think about their overall experience working with one or more attorneys from the military trial counsel office.

Interaction With a Military Trial Counsel

61% of respondents indicated interacting with military trial counsel during the military justice process.

The eligible number of respondents who answered the question is 225. The remaining items in this section are of this 61%.

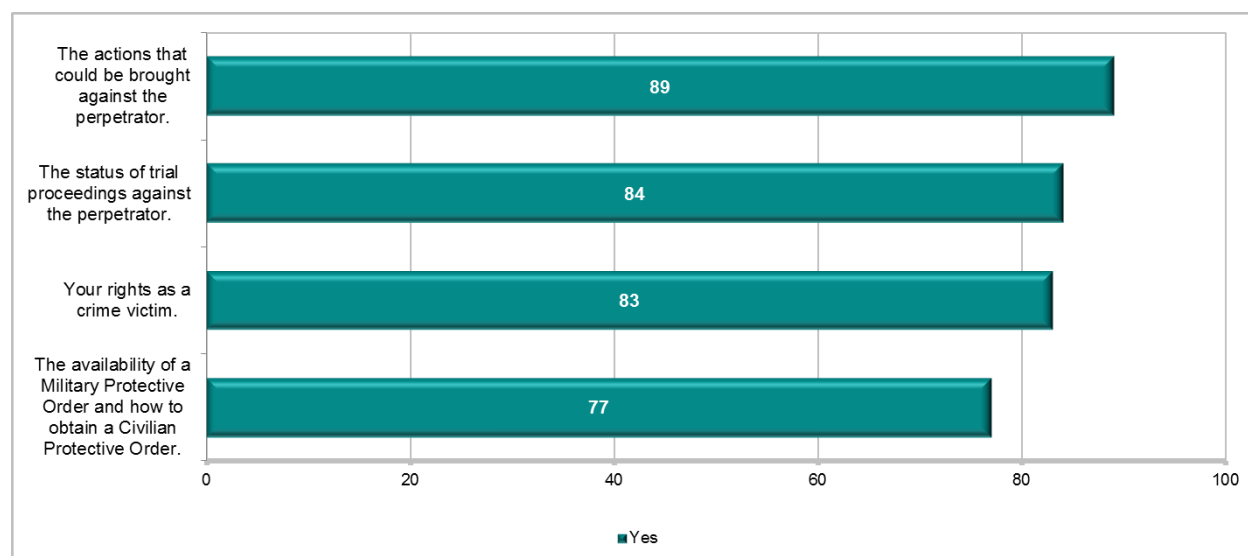
Overall Information Provided by the Military Trial Counsel

As seen in Figure 24, respondents who interacted with a military trial counsel during the military justice process were asked whether they discussed specific topics with the military trial counsel. Overall, 89% indicated the military trial counsel discussed *the actions that could be brought against the perpetrator*, 84% indicated the military trial counsel discussed *the status of trial proceedings against the perpetrator*, 83% indicated the military trial discussed *their rights as a crime victim*, and 77% indicated the military trial counsel discussed *the availability of a Military Protective Order and how to obtain a Civilian Protective Order*. The eligible number of

respondents who answered the question ranges from 124-136. Results exclude those who indicated “Not applicable.”

Figure 24.

Overall Information Provided by the Military Trial Counsel



Q34

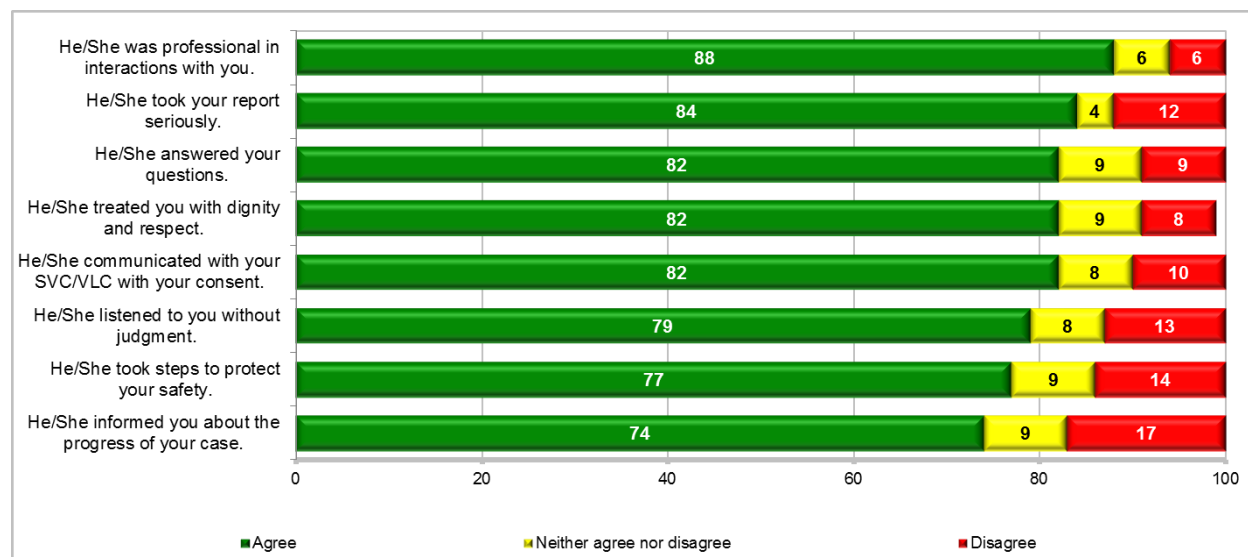
Percent of eligible respondents who took the survey and interacted with military trial counsel during the military justice process.

Assessment of Experiences With Military Trial Counsel

As seen in Figure 25, respondents who interacted with military trial counsel during the military justice process were asked whether they **agreed** with statements pertaining to their experience with the military trial counsel. Overall, 88% indicated the military trial counsel *was professional in interaction with them*, 84% indicated the military trial counsel *took their report seriously*, 82% indicated the military trial counsel *answered their questions*, 82% indicated the military trial counsel *treated them with dignity and respect*, 82% indicated the military trial counsel *communicated with their Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC) with their consent*, 79% indicated the military trial counsel *listened to them without judgement*, 77% indicated the military trial counsel *took steps to protect their safety*, and 74% indicated the military trial counsel *informed them about the progress of their case*.

Of respondents who interacted with military trial counsel during the military justice process, respondents indicated they **disagreed** that military trial counsel *informed them about the progress of their case* (17%), *counsel took steps to protect their safety* (14%), *listened to them without judgement* (13%), *took their report seriously* (12%), *communicated with their Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC) with their consent* (10%), *answered their questions* (9%), *treated them with dignity and respect* (8%), and *was professional in interaction with them* (6%). The eligible number of respondents who answered the question ranges from 134-138. Results exclude those who indicated “Not applicable.”

Figure 25.
Assessment of Experiences With Military Trial Counsel

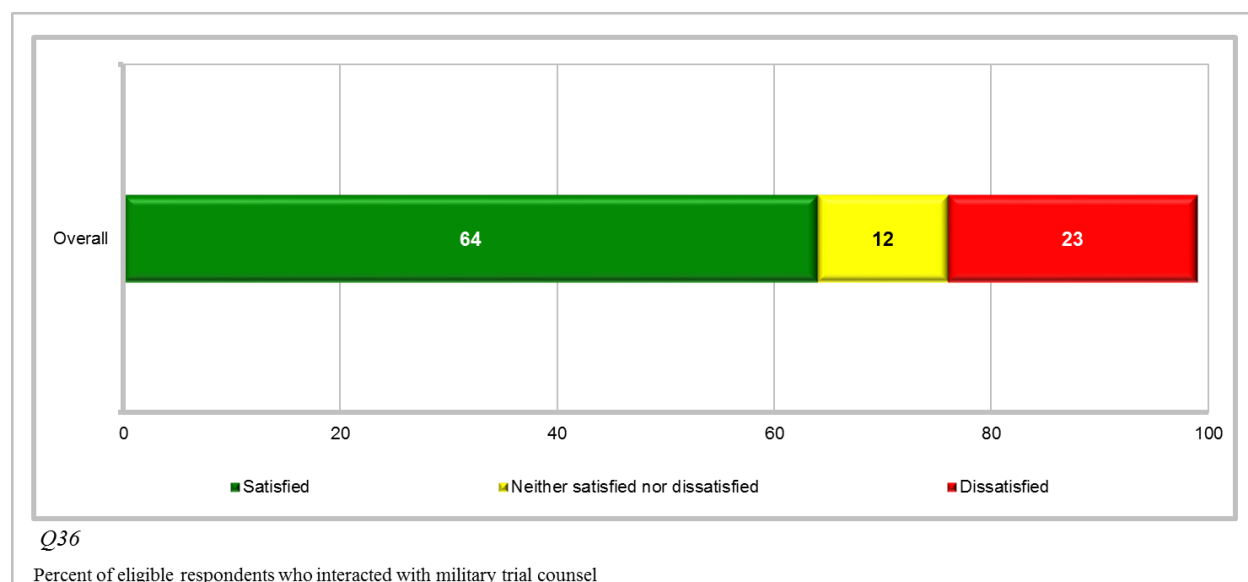


Q35

Percent of eligible respondents who took the survey and interacted with military trial counsel during the military justice process.

Satisfaction With Military Trial Counsel During the Military Justice Process

As seen in Figure 26, of respondents who interacted with military trial counsel during the military justice process, 64% indicated that they were *satisfied* with the military trial counsel during the military justice process, whereas 23% were *dissatisfied*. The eligible number of respondents who answered the question is 138.

Figure 26.***Satisfaction With Military Trial Counsel During the Military Justice Process*****Experiences With Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC)**

The legal process for prosecuting sexual assault cases can often be daunting and confusing for military members who report a sexual assault. The Department, working with the Services, has established policy to provide legal advice and representation for members, while maintaining the member's confidentiality. Military members can access this support regardless of filing a restricted or unrestricted report of sexual assault.

The Army, Air Force, and National Guard refer to these professionals as SVC, while the Navy and Marine Corps have labeled them VLC. Whether an SVC or VLC, these lawyers have experience trying cases in military courts and often in civilian courts as well. They understand the legal process and are able to guide military members through the military justice process and act as the member's legal advocate.

Interaction With SVC/VLC

69% of respondents indicated interacting with a SVC or VLC during the military justice process.

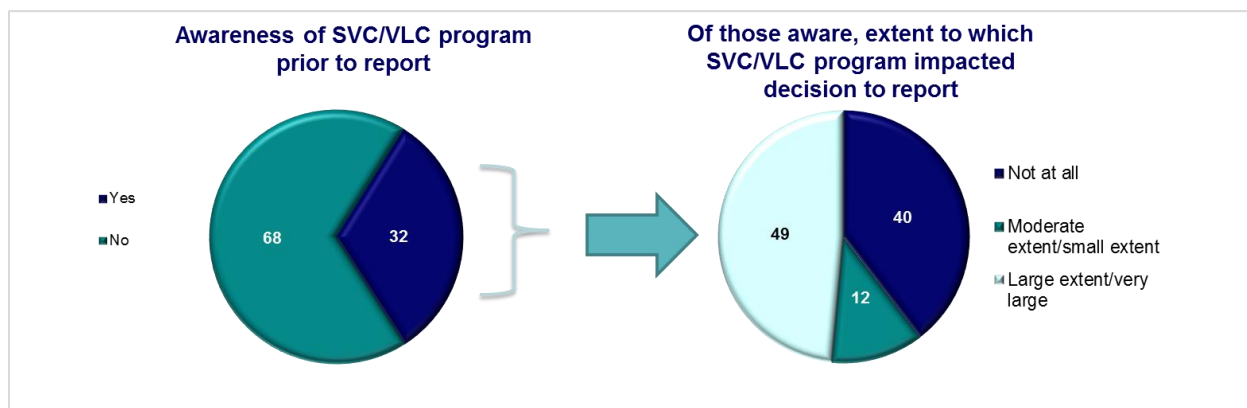
The eligible number of respondents who answered the question is 223. The remaining items in this section are of this 69%.

Awareness of SVC/VLC Prior to Report

Of respondents who interacted with a SVC/VLC during the military justice process, 32% indicated that *yes*, prior to their report, they were aware that SVCs/VLCs were available as a resource. Figure 27 highlights the impact that knowledge about the SVC/VLC program had for

respondents who interacted with the resource. Of the 32% of respondents who interacted with a SVC/VLC and who were aware of the SVC/VLC program prior to their report, 49% indicated that their awareness of the program impacted their decision to report to a *large extent/very large extent* and 12% indicated it impacted their decision to a *moderate extent/small extent*, whereas 40% indicated their awareness of the services did *not at all* influence their decision to report. The eligible number of respondents who answered the question ranges from 49-152. Results exclude those who indicated “Not applicable.”

Figure 27.
Awareness and Influence of SVC/VLC Prior to Report



Q38, Q39

Percent of eligible respondents who took the survey and interacted with a SVC/VLC during the military justice process.

Assignment of SVC/VLC

Of respondents who interacted with a SVC/VLC during the military justice process, **95%** indicated that they were assigned a SVC/VLC. The eligible number of respondents who answered the question is 153.

Supported by More Than One SVC/VLC Throughout the Military Justice Process

Analysis of the 2015 MIJES revealed that respondents potentially interacted with more than one SVC/VLC during the military justice process which impacted how often those personnel were available. Therefore the 2016 MIJES included questions pertaining to the number of SVCs/VLCs with which respondents interacted. Of respondents who interacted with a SVC/VLC during the military justice process, **32%** indicated that they were supported by more than one SVC/VLC during the military justice process. The eligible number of respondents who answered the question is 151.

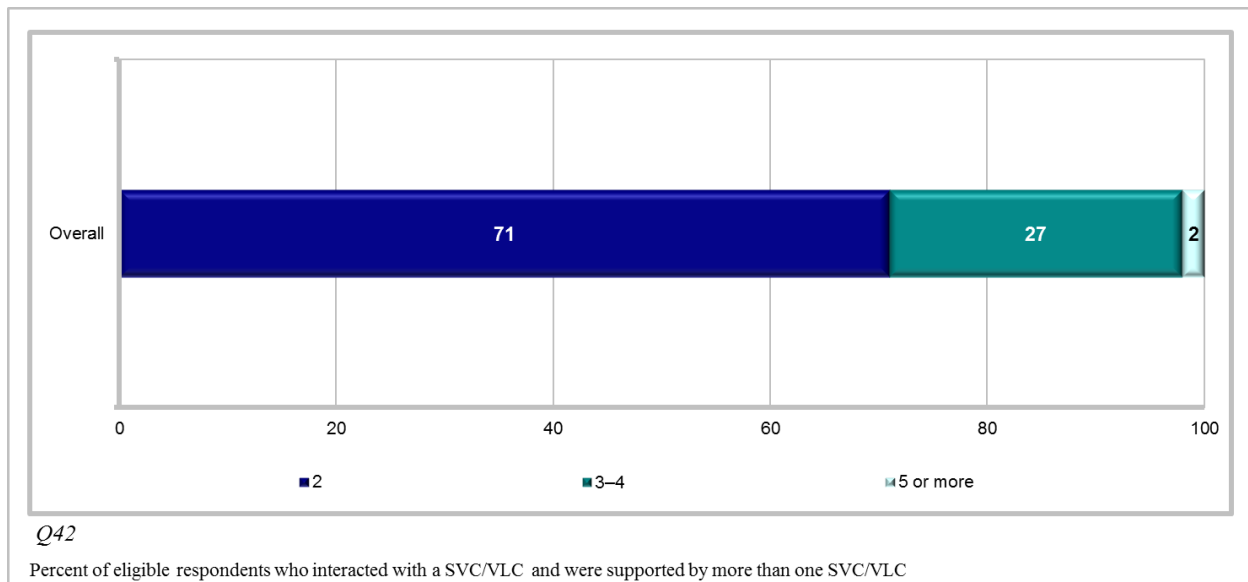
Number of SVCs or VLCs That Supported the Respondent Throughout the Military Justice Process

As seen in Figure 28, of those respondents who indicated they were supported by multiple SVCs/VLCs, 71% indicated they were supported by 2 SVCs/VLCs, 27% indicated they were

supported by 3-4 SVCs/VLCs, and 2% indicated they were supported by 5 or more SVCs/VLCs during the military justice process. The eligible number of respondents who answered the question is 49.

Figure 28.

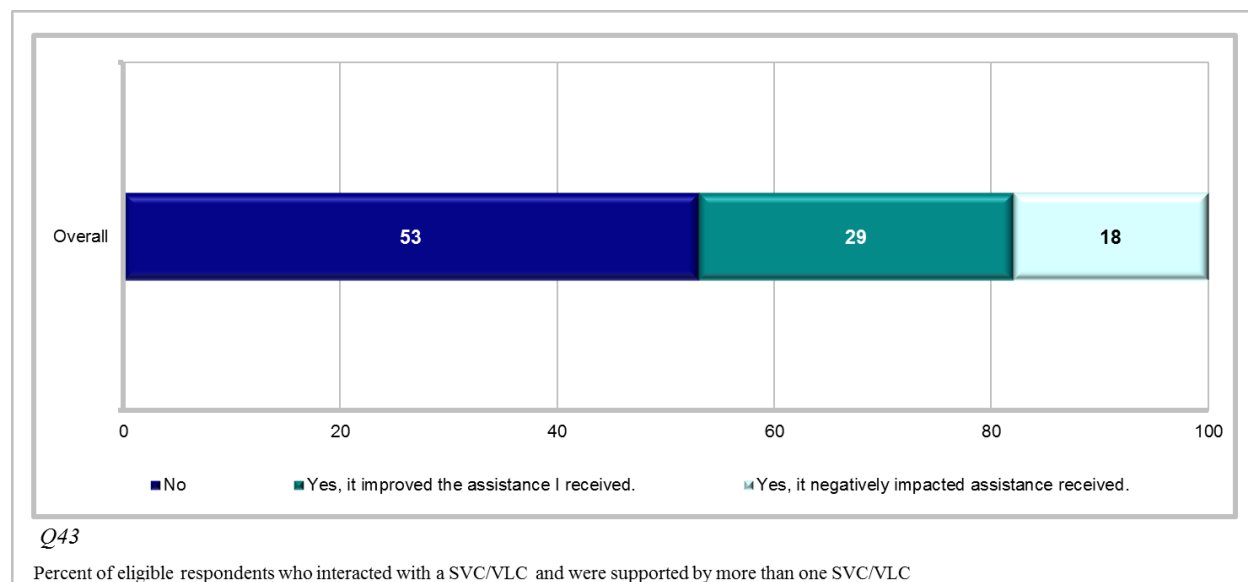
Number of SVCs or VLCs That Supported the Respondent Throughout the Military Justice Process



Impact of Changing SVC or VLC on Assistance Received

As seen in Figure 29, of those respondents who indicated they were supported by multiple SVCs/VLCs, 53% indicated *no*, changing SVCs/VLCs did not impact the assistance they received, whereas 29% indicated changing SVCs/VLCs *improved the assistance they received*, and 18% indicated the change *negatively impacted the assistance they received*. The eligible number of respondents who answered the question is 49.

Figure 29.
Impact of Changing SVC or VLC on Assistance Received

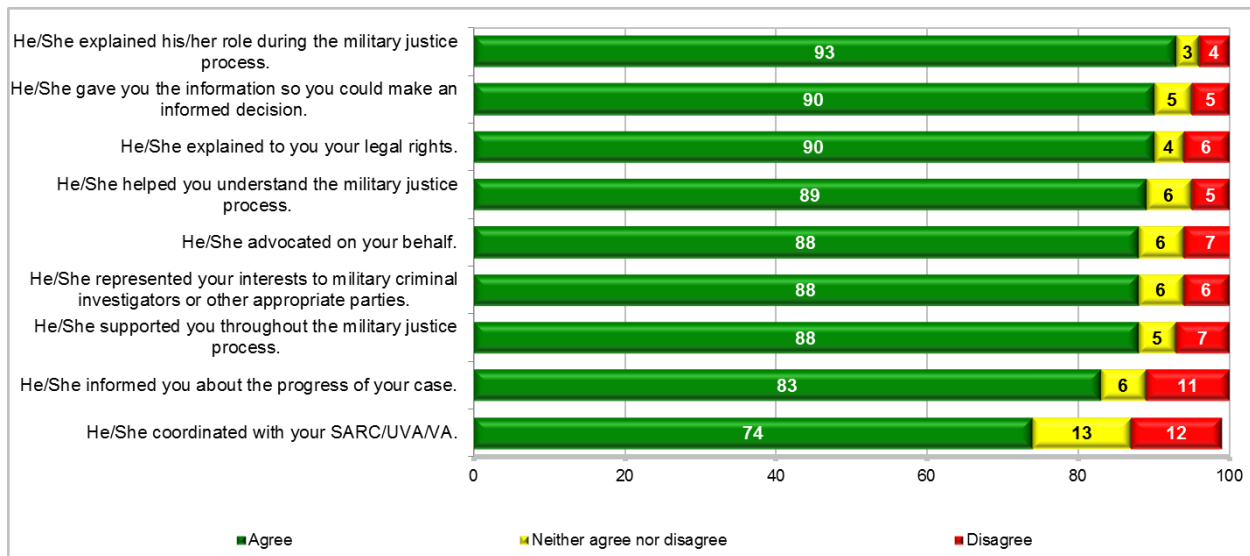


Assessment of Experiences With SVC/VLC

As seen in Figure 30, respondents who interacted with SVCs/VLCs during the military justice process were asked whether they **agreed** with statements pertaining to their experience with the SVCs/VLCs. Overall, 93% indicated the SVCs/VLCs *explained his/her role during the military justice process*, 90% indicated the SVCs/VLCs *gave them the information so that they could make an informed decision*; 90% indicated the SVC/VLC *explained to them their legal rights*; 89% indicated the SVCs/VLCs *helped them understand the military justice process*; 88% indicated the SVC/VLC *advocated on their behalf*; 88% indicated the SVC/VLC *represented their interests to military criminal investigators, military justice officials, or other appropriate parties*; 88% indicated the SVCs/VLCs *supported them throughout the military justice process*; 83% indicated the SVC/VLC *informed them about the progress of their case*; and 74% indicated *the SVC/VLC coordinated with their SARC/UVA/VA*.

Of respondents who interacted with SVCs/VLCs during the military justice process, respondents indicated they **disagreed** that the SVCs/VLCs *coordinated with their SARC/UVA/VA* (12%); *informed them about the progress of their case* (11%); *supported them throughout the military justice process* (7%); *advocated on their behalf* (7%); *represented their interests to military criminal investigators, military justice officials, or other appropriate parties* (6%); *explained to them their legal rights* (6%); *helped them understand the military justice process* (5%); *gave them the information so that they could make an informed decision* (5%); and *explained his/her role during the military justice process* (4%). The eligible number of respondents who answered the question ranges from 141-152. Results exclude those who indicated “Not applicable.”

Figure 30.
Assessment of Experiences With SVC/VLC



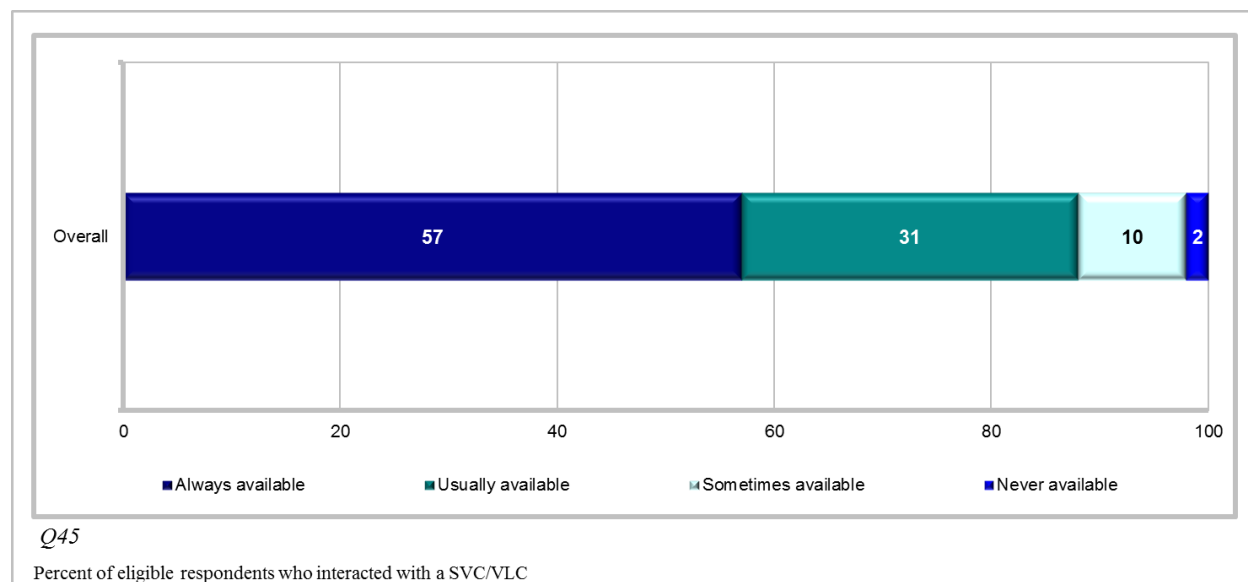
Q44

Percent of eligible respondents who took the survey and interacted with a SVC/VLC during the military justice process.

SVC/VLC Availability

Of respondents who interacted with a SVC/VLC during the military justice process, 98% indicated the SVC/VLC was available when they needed them. As seen in Figure 31, 57% indicated the SVC/VLC was *always available*, 31% indicated the SVC/VLC was *usually available*, 10% indicated the SVC/VLC was *sometimes available*, whereas only 2% indicated the SVC/VLC was *never available*. The eligible number of respondents who answered the question is 153.

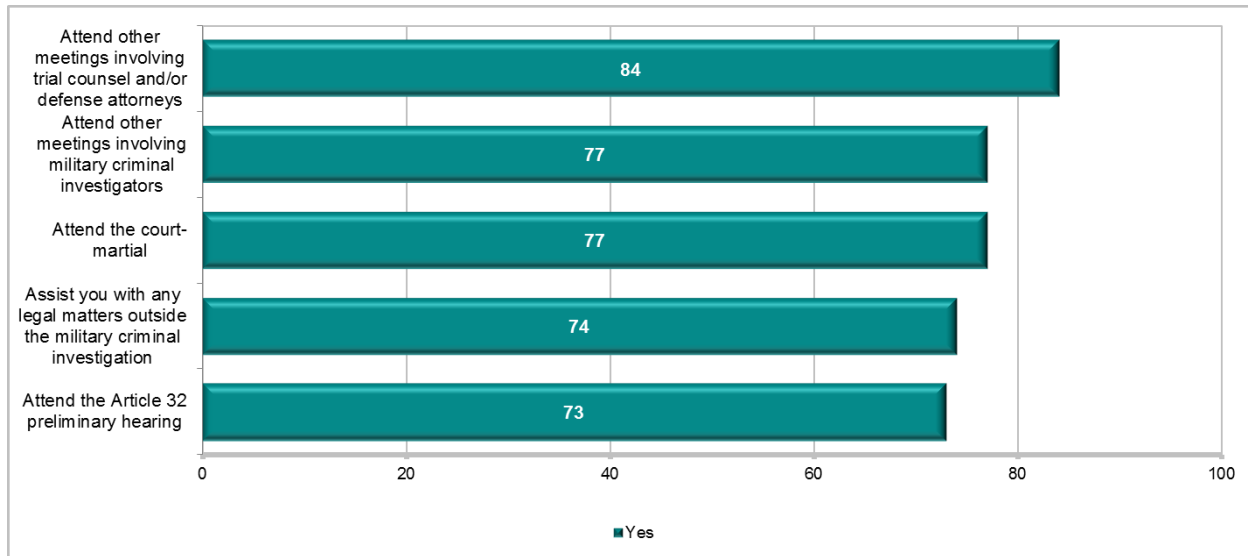
Figure 31.
SVC/VLC Availability



Overall Role of SVC/VLC

As seen in Figure 32, of respondents who interacted with a SVC/VLC during the military justice process, 84% indicated the SVC/VLC *attended other meetings involving trial counsel and/or defense attorneys*, 77% indicated the SVC/VLC *attended other meetings involving military criminal investigators*, 77% indicated the SVC/VLC *attended the court-martial*, 74% indicated the SVC/VLC *assisted them with any legal matters outside the military criminal investigation*, and 73% indicated the SVC/VLC *attended the Article 32 preliminary hearing*. The eligible number of respondents who answered the question ranges from 98-128. Results exclude those who indicated “Not applicable.”

Figure 32.
Overall Role of SVC/VLC



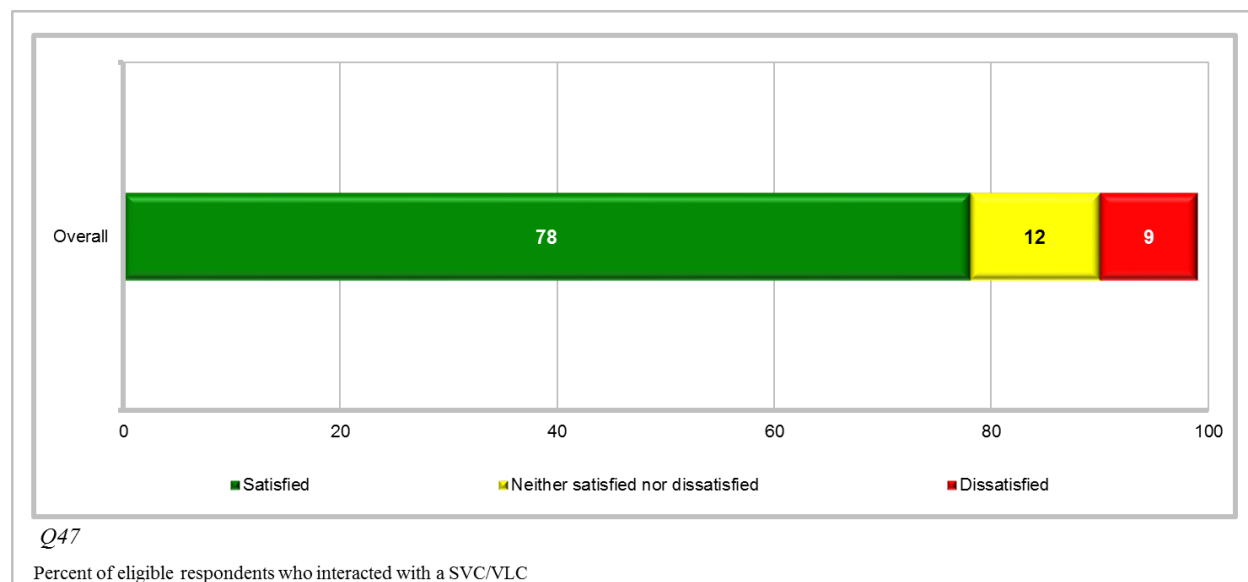
Q46

Percent of eligible respondents who took the survey and interacted with a SVC/VLC during the military justice process.

Satisfaction With SVC/VLC

As seen in Figure 33, of respondents who interacted with a SVC/VLC during the military justice process, overall, 78% indicated that they were *satisfied* with the SVC or VLC during the military justice process, whereas 9% were *dissatisfied*. The eligible number of respondents who answered the question is 153.

Figure 33.
Satisfaction With SVC/VLC



Experiences With Victim Witness Assistance Provider (VWAP)

Once an MCIO investigation is initiated, a VWAP is available to support military members who brought forward a report of sexual assault. A VWAP (for example, Victim Witness Coordinator/Victim Witness Liaison) may provide support to military members by assisting them in understanding their federally mandated rights as well as with navigating the military justice process. VWAPs may also provide information on services and resources, and interact with military trial counsel and commanders. They also help ensure that the military member's situation is respected, that military members have a voice in the process, and that military members are kept informed of the status of the investigation and prosecution throughout the military justice process.

Interaction With a VWAP

9% of respondents indicated interacting with a VWAP during the military justice process.

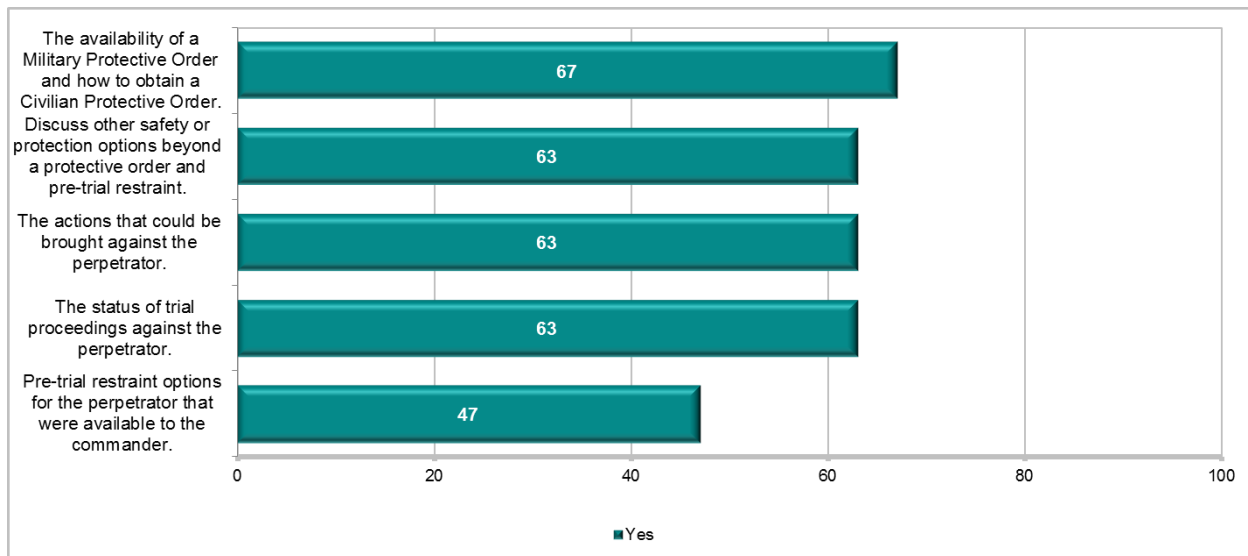
The eligible number of respondents who answered the question is 223. The remaining items in this section are of this 9%.

Overall Role of VWAP

As seen in Figure 34, of respondents who interacted with a VWAP during the military justice process, respondents indicated the VWAP **discussed** the availability of a *Military Protective Order and how to obtain a Civilian Protective Order (also sometimes called a Restraining Order [67%])*, *other safety or protection options beyond a protective order and pre-trial restraint (63%)*, *the actions that could be brought against the perpetrator (for example, court-martial charges, non-judicial punishment, administrative discharge [63%])*, *the status of trial*

proceedings against the perpetrator (for example, Article 32 preliminary hearing and court-martial [63%]), and pre-trial restraint options for the perpetrator that were available to the commander (for example, placing the perpetrator in jail prior to trial [47%]). The eligible number of respondents who answered the question is 19. Results exclude those who indicated “Not applicable.”

Figure 34.
Overall Role of VWAP



Q49

Percent of eligible respondents who took the survey and interacted with a VWAP during the military justice process.

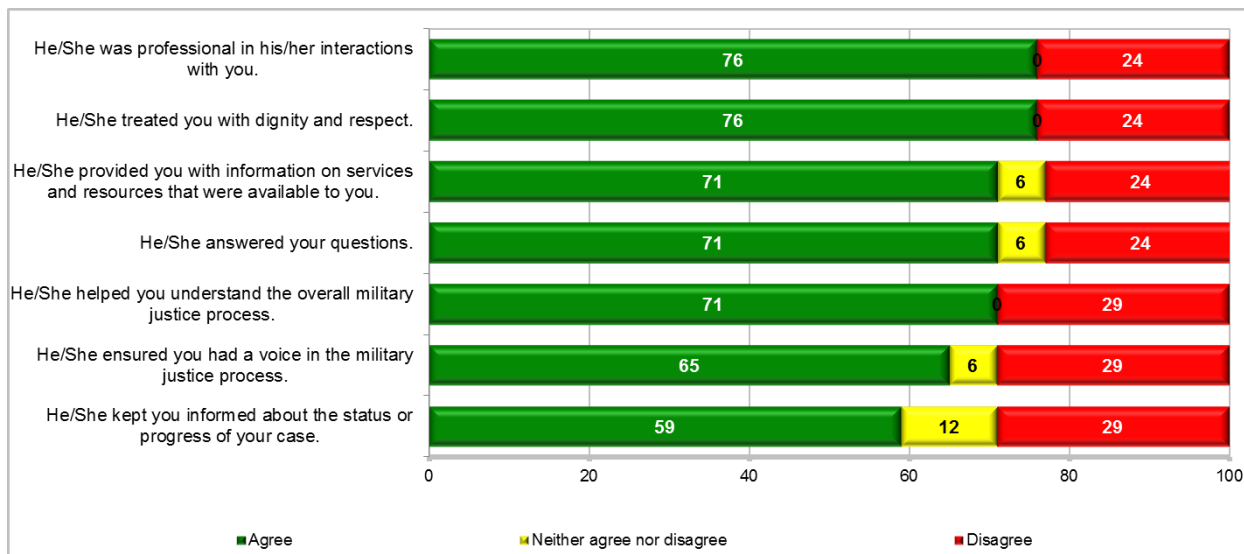
Assessment of Experiences With VWAP

As seen in Figure 35, respondents who interacted with a VWAP during the military justice process were asked whether they **agreed** with statements pertaining to their experience with the VWAP. Overall, 76% indicated the VWAP was *professional in his/her interactions with them*, 76% indicated the VWAP *treated them with dignity and respect*, 71% indicated the VWAP *provided them with information on services and resources that were available to them*, 71% indicated the VWAP *answered their questions*, 71% indicated the VWAP *helped them understand the overall military justice process*, 65% indicated the VWAP *ensured they had a voice in the military justice process*, and 59% indicated the VWAP *kept them informed about the status or progress of their case*.

Of respondents who interacted with a VWAP during the military justice process, respondents indicated they **disagreed** that the VWAP *kept them informed about the status or progress of their case* (29%), *ensured they had a voice in the military justice process* (29%), *helped them understand the overall military justice process* (29%), *answered their questions* (24%), *provided them with information on services and resources that were available to them* (24%), *treated them with dignity and respect* (24%), and *was professional in his/her interactions with them* (24%).

The eligible number of respondents who answered the question is 17. Results exclude those who indicated “Not applicable.”

Figure 35.
Assessment of Experiences With VWAP



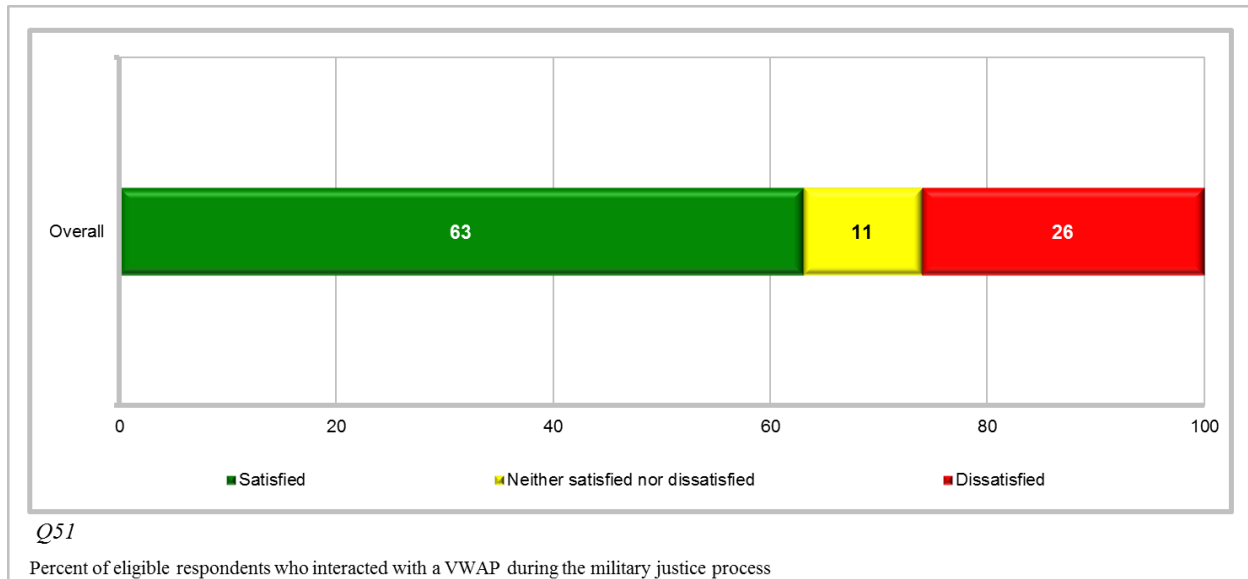
Q50

Percent of eligible respondents who took the survey and interacted with a VWAP during the military justice process.

Satisfaction With a VWAP

As seen in Figure 36, of respondents who interacted with a VWAP during the military justice process, overall, 63% indicated that they were *satisfied* with the VWAP during the military justice process, whereas 26% were *dissatisfied*. The eligible number of respondents who answered the question is 19.

Figure 36.
Satisfaction With a VWAP



Experiences With Leadership

Another area of interest to the Department is the response of the military member's chain of command, if notified of the incident. When a military member makes an unrestricted report of sexual assault, it prompts both an official investigation and notification of the military member's command. Respondents were asked about whether they interacted with their unit commander and/or other members in their chain of command (e.g., senior enlisted advisor, immediate supervisor).

Interaction With Unit Commander

65% of respondents indicated interacting with their unit commander during the military justice process.

The eligible number of respondents who answered the question is 224. The remaining items in this section are of this 65%.

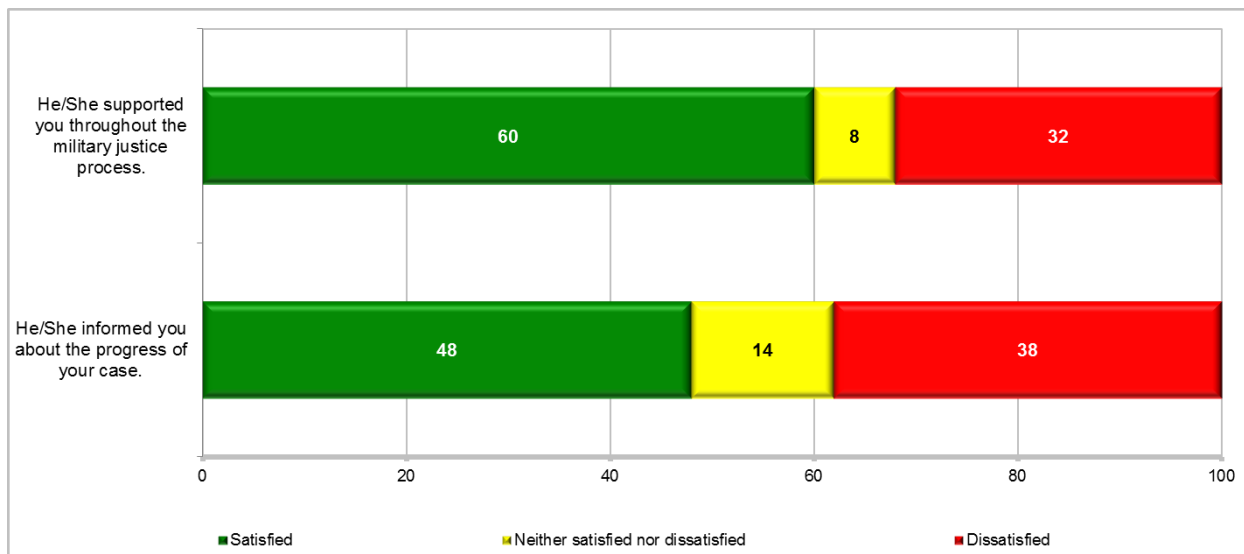
Satisfaction With Unit Commander Actions During the Military Justice Process

As seen in Figure 37, of respondents who interacted with their unit commander during the military justice process, 60% indicated they were **satisfied** with how their unit commander *supported them throughout the military justice process*, and 48% were **satisfied** with how their unit commander *informed them about the progress of their case*. Overall, 38% were **dissatisfied** with how their unit commander *informed them about the progress of their case*, and 32% were **dissatisfied** with how that their unit commander *supported them throughout the military justice*

process. The eligible number of respondents who answered the question is 146. Results exclude those who indicated “Not applicable.”

Figure 37.

Satisfaction With Unit Commander Actions During the Military Justice Process



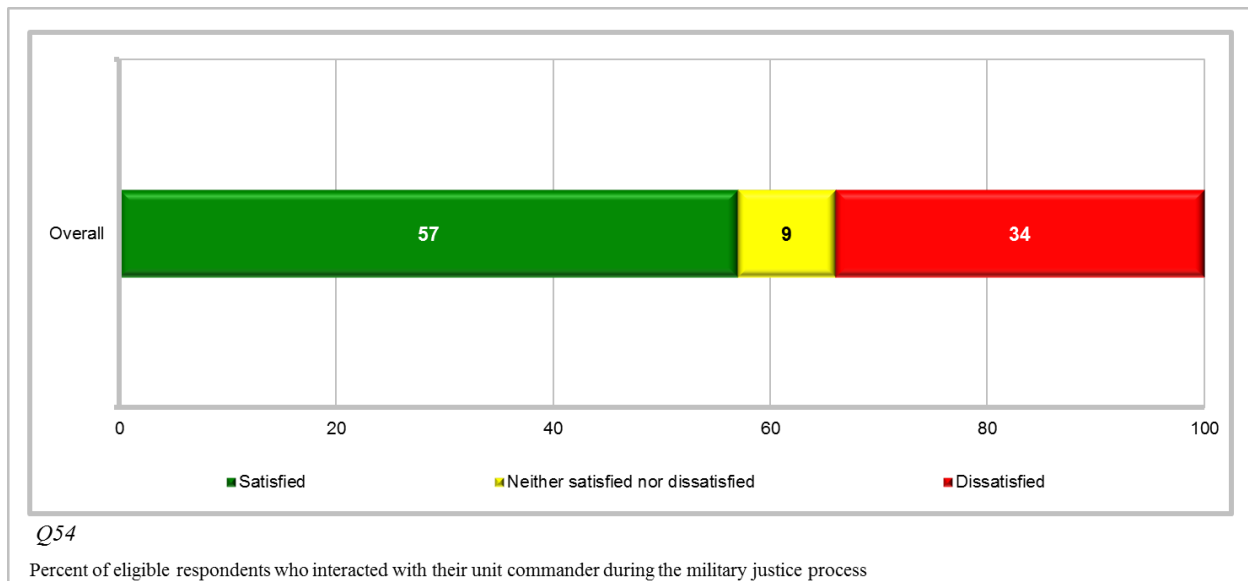
Q53

Percent of eligible respondents who took the survey and interacted with their unit commander during the military justice process.

Satisfaction With Unit Commander Response During the Military Justice Process

As seen in Figure 38, of respondents who interacted with their unit commander during the military justice process, overall, 57% indicated that they were *satisfied* with the response from their unit commander during the military justice process, whereas 34% were *dissatisfied*. The eligible number of respondents who answered the question is 146.

Figure 38.
Satisfaction With Unit Commander Response During the Military Justice Process



Interaction With Immediate Supervisor

58% of respondents indicated interacting with their immediate supervisor during the military justice process.

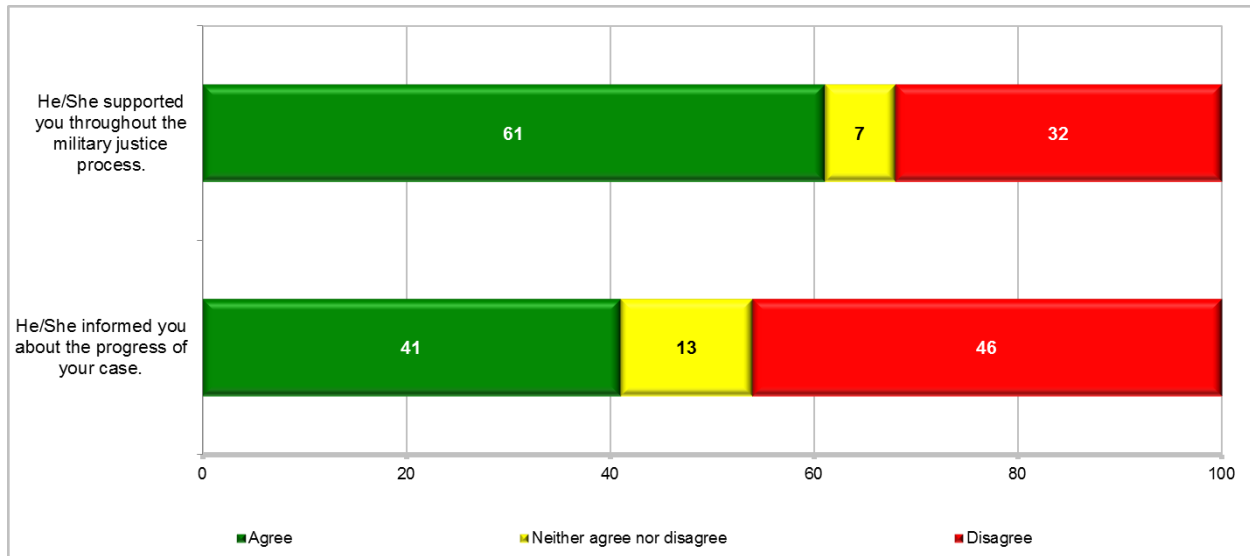
The eligible number of respondents who answered the question is 225. The remaining items in this section are of this 58%.

Assessment of Experiences With Immediate Supervisor

As seen in Figure 39, of respondents who interacted with their immediate supervisor during the military justice process, respondents **agreed** that their immediate supervisor *supported them throughout the military justice process* (61%), whereas 32% **disagreed**. Respondents **agreed** that their immediate supervisor *informed them about the progress of their case* (41%), whereas 46% **disagreed**.²⁶ The eligible number of respondents who answered the question ranges from 89-131. Results exclude those who indicated “Not applicable.”

²⁶ Air Force, Air Force Reserve, and Air National Guard were excluded from this question.

Figure 39.
Assessment of Experiences With Immediate Supervisor



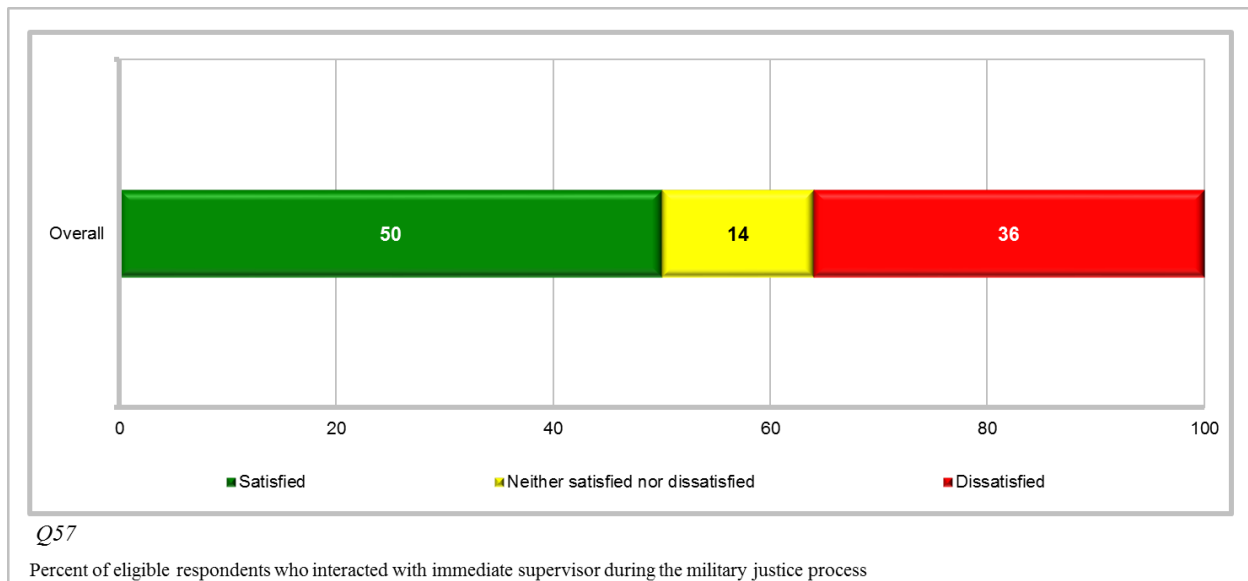
Q56

Percent of eligible respondents who took the survey and interacted with their immediate supervisor during the military justice process.

Satisfaction With Immediate Supervisor

As seen in Figure 40, of respondents who interacted with their immediate supervisor during the military justice process, overall, 50% indicated that they were *satisfied* with the response from their immediate supervisor during the military justice process, whereas 36% were *dissatisfied*. The eligible number of respondents who answered the question is 131.

Figure 40.
Satisfaction With Immediate Supervisor



Interaction With Senior Enlisted Advisor

Senior enlisted advisors include First Sergeants or Master Sergeants and Chief Petty Officers.

58% of respondents indicated interacting with their senior enlisted advisor during the military justice process.

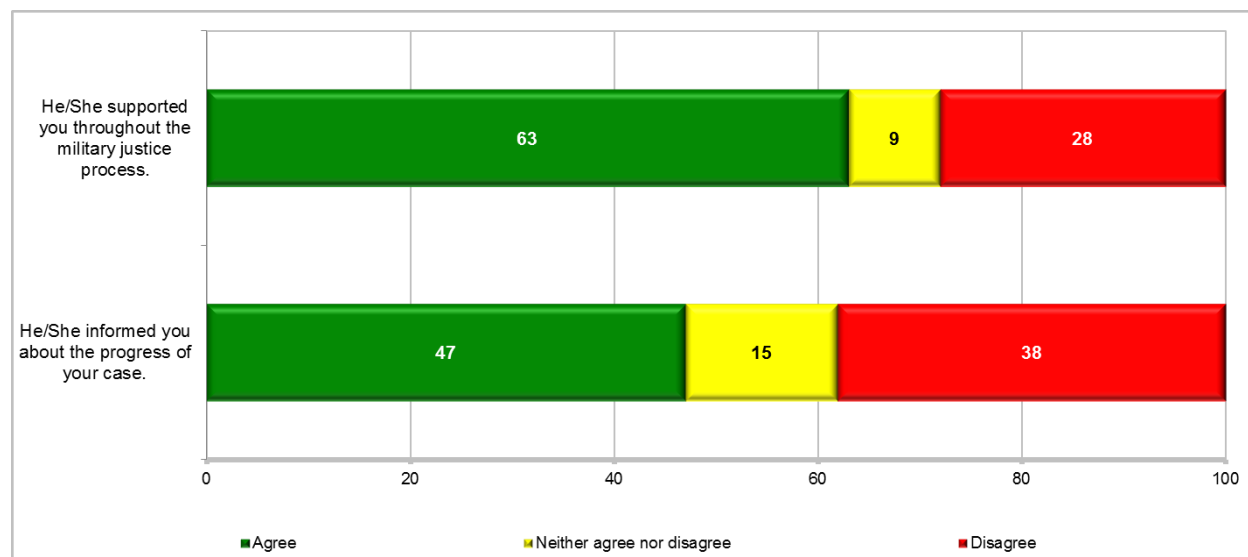
The eligible number of respondents who answered the question is 225. The remaining items in this section are of this 58%.

Assessment of Experiences With Senior Enlisted Advisor

As seen in Figure 41, of respondents who interacted with their senior enlisted advisor during the military justice process, respondents **agreed** that their senior enlisted advisor *supported them throughout the military justice process* (63%), whereas 28% **disagreed**. Respondents **agreed** that their senior enlisted advisor *informed them about the progress of their case* (47%), whereas 38% **disagreed**.²⁷ Eligible number of respondents who answered the question ranges from 80-131. Results exclude those who indicated “Not applicable.”

²⁷ Air Force, Air Force Reserve, and Air National Guard were excluded from this question.

Figure 41.
Assessment of Experiences With Senior Enlisted Advisor



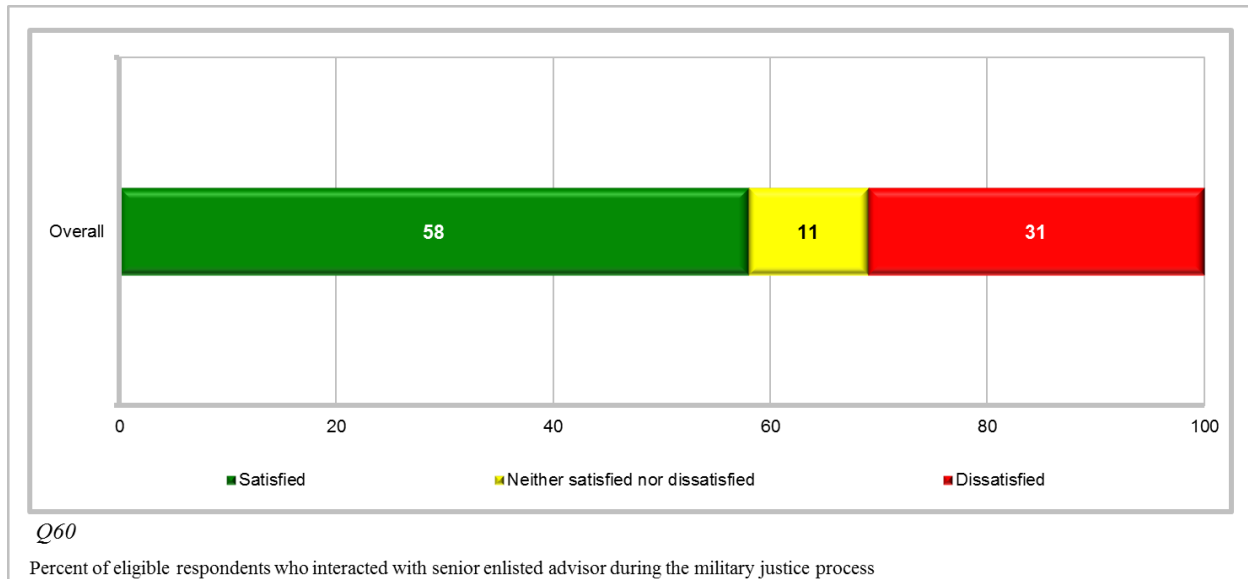
Q59

Percent of eligible respondents who took the survey and interacted with their senior enlisted advisor during the military justice process.

Satisfaction With Senior Enlisted Advisor

As seen in Figure 42, of respondents who interacted with their senior enlisted advisor during the military justice process, overall, 58% indicated that they were *satisfied* with the response from their senior enlisted advisor during the military justice process, whereas 31% were *dissatisfied*. The eligible number of respondents who answered the question is 131.

Figure 42.
Satisfaction With Senior Enlisted Advisor



Chapter 4:

Outcomes Associated With Reporting

The Department strives to create an environment where military members feel comfortable and safe reporting a potential sexual assault to a military authority. Since 2005, DoD has established a number of policies to encourage more survivors to come forward.²⁸ In 2012, DoD created two distinct types of reporting options for sexual assault survivors—*restricted* and *unrestricted*. *Restricted reporting* is a confidential option for those who want to obtain medical and mental health services, but do not want an official investigation into the assault, or their command to be notified. *Unrestricted reporting* is for military members who not only want access to medical and mental health services, but who also want to have the assault officially investigated. These reporting options were established so that military members could feel more comfortable seeking help/treatment without necessarily having the situation result in an official military investigation or notification of their leadership. Military members also have the option to convert a restricted report into an unrestricted report at any time. Conversely, an unrestricted report cannot be converted to restricted report.

One area the Department has been monitoring is repercussions, i.e. retaliatory behavior, as a result of reporting a sexual assault. Specifically, two forms of retaliatory behaviors have been outlined: professional reprisal and ostracism/maltreatment. Professional reprisal, as defined in law and policy, is a personnel or other unfavorable action taken by the chain of command against an individual for engaging in a protected activity. Ostracism and maltreatment, however, can be negative behaviors, such as actions of social exclusion or misconduct against the military member taken either by peers or an individual in a position of authority, because the military member reported or intends to report a criminal offense. The Department's ability to deter retaliatory behavior was strengthened by section 1714 of the NDAA for FY 2014, enhancing the protections in section 1034 of title 10, United States Code, for military members reporting criminal offenses. Protections were also strengthened for military members by section 1709, which requires the promulgation of regulations to punish retaliatory behaviors. Survey results on rates of perceived experiences of military members who made a report of sexual assault have been relatively constant for both types of retaliatory behavior since first measured in 2006. Prior survey data indicate that over half of female military members who make an unrestricted report of sexual assault perceive some amount of retaliatory behavior.²⁹ In 2015, the Secretary of Defense determined that more detailed information was needed on the circumstances of these perceived experiences of retaliation. As a result, the Secretary of Defense directed "that we develop a DoD-wide comprehensive strategy to prevent retaliation against Service members who report or intervene on behalf of victims of sexual assault and other crimes."³⁰

²⁸ Examples of policies established include the implementation of the DoD Safe Helpline, the National Defense Authorization Act for Fiscal Year 2014, and the Special Victims' Counsel/Victims' Legal Counsel Program (Lucero, 2015).

²⁹ DMDC (2013), Van Winkle, E., Rock, L., Coffey, M., & Hurley, M. (2014), and RAND (2014). Data for men were not reportable due to the small number of male respondents in this category.

³⁰ Secretary of Defense (2015, May 1).

This increased focus led to a number of new initiatives, including the revision of survey measures to be consistent with the directives prohibiting retaliation and behaviors that allow for Departmental action.³¹ To develop the comprehensive measure to assess perceptions of retaliation, SAPRO assembled a Retaliation Roundtable which included subject matter experts from across the Department, including representatives from each Service, as well as DoD stakeholders. The goal was to create a detailed set of survey items that more accurately measure perceptions of ostracism/maltreatment and professional reprisal so that these outcomes associated with reporting a sexual assault could be better addressed by the Department.

Construction of Items

OPA worked closely with the Services and DoD stakeholders to design behaviorally-based questions that would better capture perceptions of a range of outcomes resulting from the report of a sexual assault. The resulting bank of questions was designed to measure negative behaviors a respondent may have experienced as a result of making a sexual assault report and to account for additional motivating factors, as indicated by the respondent, that are consistent with prohibited actions of professional reprisal, ostracism, and maltreatment in the Uniform Code of Military Justice (UCMJ) and military policies and regulations. In this way, these questions are able to provide the Department with perceived experiences of the respondents for each of the different types of possible retaliatory behaviors as well as various “roll up” scales to obtain broader understanding of the issue. These items were reviewed and approved by all Services via the Retaliation Roundtable convened by SAPRO in June 2015.

Survey questions are only able to provide a general understanding of the self-reported outcomes that may constitute professional reprisal, ostracism, or maltreatment; ultimately, only the results of an investigation (which takes into account all legal aspects, such as the intent of the alleged perpetrator) can determine whether self-reported negative behaviors meet the requirements of prohibited retaliation. The percentages presented in this chapter reflect the respondents’ perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation. As such, rates for these items are caveated as “perceived.”

Prior to categorizing respondents as experiencing “perceived” professional reprisal, ostracism, and/or maltreatment, respondents had to indicate experiencing a “potential” retaliatory action and/or behavior. Specifically, the respondent had to indicate experiencing any behavior consistent with professional reprisal, ostracism, and/or maltreatment which would precede the questions to ascertain the respondent’s perception of the motivating factors of those potential retaliatory behaviors. Therefore, there are higher percentages of respondents who experience “potential” behaviors, but they do not, on their own, reflect a “rate.” “Perceived” actions and/or behaviors are those retaliatory behaviors where potential behaviors were experienced and additional motivating factors, as indicated by the respondent, were present. Construction of perceived professional reprisal, ostracism, and maltreatment is based on general policy

³¹ The implementation of Section 1709(a) of the NDAA for FY 2014 requires the Secretary of Defense to prescribe regulations, or require the Secretaries of the military departments to prescribe regulations, that prohibit retaliation against an alleged victim or other member of the Armed Forces who reports a criminal offense. The section further requires that violation of those regulations be punishable under Article 92 of the UCMJ, 10 U.S.C. § 892 (2012).

The percentages presented in this chapter reflect the respondents’ perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

prohibitions and should not be construed as a legal crime victimization rate due to slight differences across the Services on the definition of behaviors and requirements of retaliation and in the absence of an investigation being conducted to determine a verified outcome.

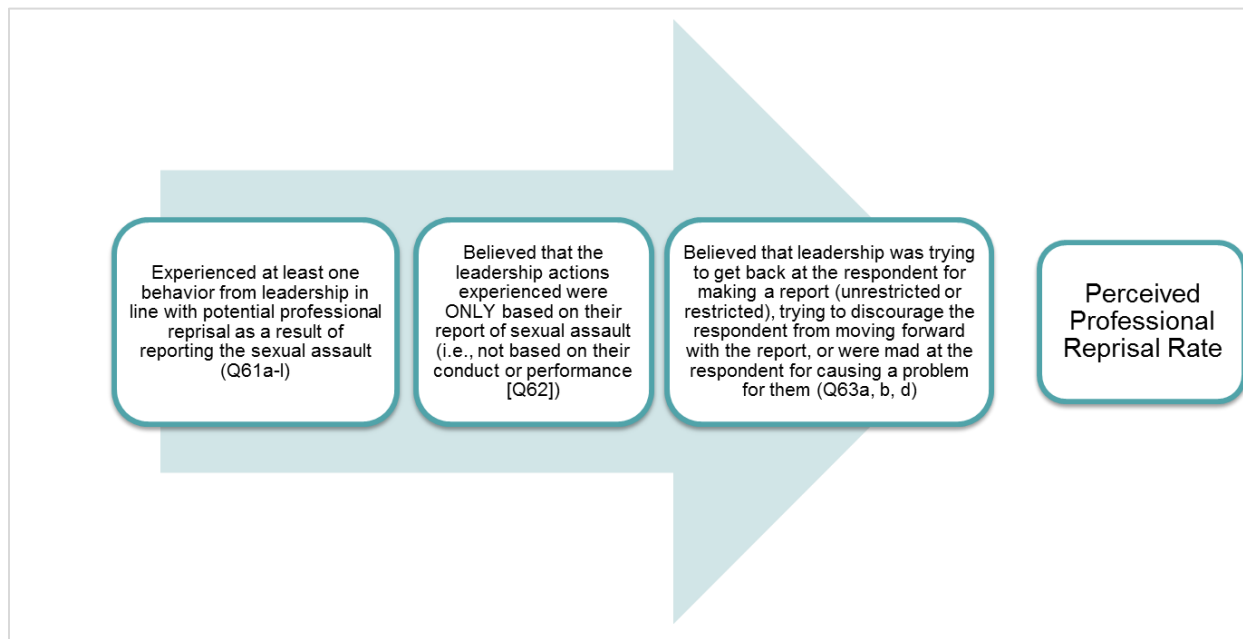
Perceived Professional Reprisal

Reprisal is defined as “taking or threatening to take an adverse personnel action, or withholding or threatening to withhold a favorable personnel action, with respect to a member of the Armed Forces because the member reported a criminal offense.”³² Per the definition in law and policy, reprisal may only occur if the actions in question were taken by leadership with the intent of having a specific detrimental impact on the career or professional activities of the military member who reported a crime.

As depicted in Figure 43, the *Perceived Professional Reprisal* rate in the 2016 MIJES is a summary measure reflecting whether respondents indicated they perceived experiencing at least one negative action by leadership as a result of reporting a sexual assault (not based on conduct or performance [Q61]). Further, the respondent must perceive these leadership actions were ONLY based on their report of sexual assault (i.e., the action taken was not based on conduct or performance [Q62]), and the respondent must believe leadership took these actions for a specific set of reasons: they were trying to get back at the respondent for making a report (unrestricted or restricted), they were trying to discourage the respondent from moving forward with the report, or they were mad at the respondent for causing a problem for them (Q63).

³² Military Whistleblower Protection Act (10 U.S.C. 1034); Section 1709(a) of the NDAA for FY 2014 requires regulations prohibiting retaliation against an alleged victim or other member of the Armed Forces who reports a crime, and requires that violations of those regulations be punishable under Article 92.

Figure 43.
Construction of Perceived Professional Reprisal Rate



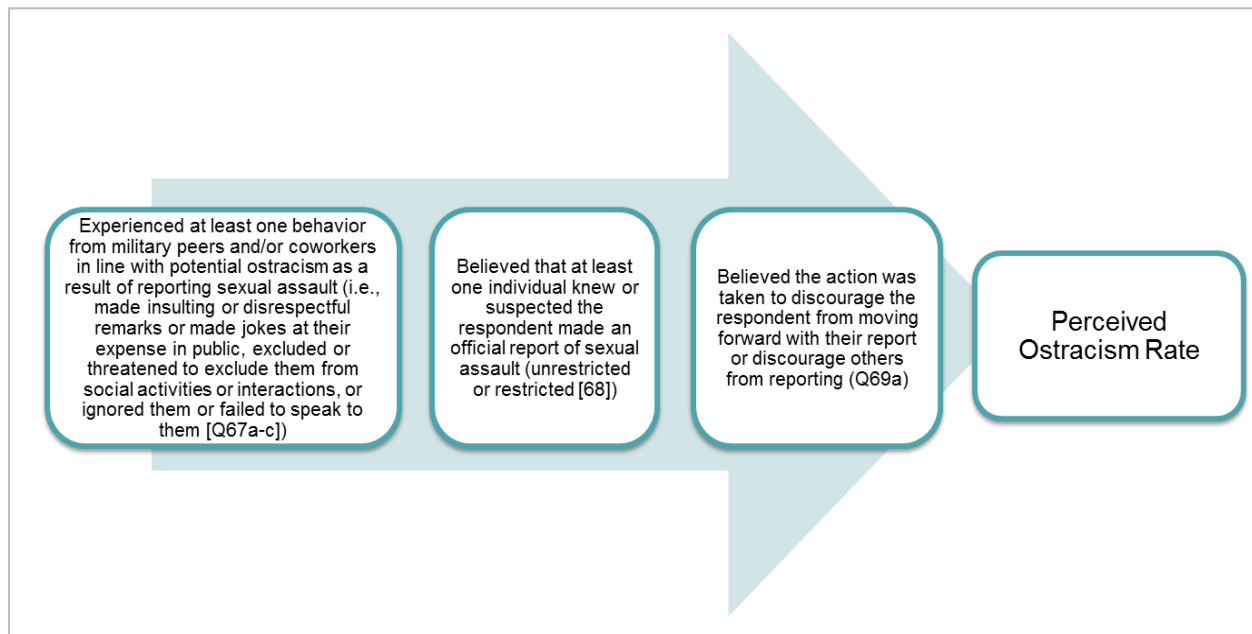
Perceived Ostracism

Implementing strategies to eliminate retaliatory behaviors such as ostracism presents some challenges to the Department. For example, enacting prohibitions against ostracism within the context of retaliation requires a specific set of criteria in order to maintain judicial validation against the limitations on the freedom of disassociation. Therefore, the Services crafted policies which implement the regulation of these prohibitions against ostracism outlined in statute 1709(a). In the *Report on Prohibiting Retaliation Against an Alleged Victim or Other Member of the Armed Forces Who Reports a Criminal Offense*, the Department states that “the punitive Service regulations issued in accordance with section 1709(a) of the NDAA for FY 2014 as supplemented by existing UCMJ articles that can be applied to some specific aspects of retaliation—such as Article 93’s prohibition of maltreatment and Article 133’s prohibition of misconduct by commissioned officers, cadets, and midshipmen—are the optimal means of criminalizing retaliation against victims or other members of the Armed Forces who report criminal offenses.”³³ Although the interpretation of ostracism varies slightly across the DoD Services, in general, ostracism may occur if retaliatory behaviors were taken either by a military member’s military peers or coworkers. Examples of ostracism include improper exclusion from social acceptance, activities, or interactions; denying privilege of friendship due to reporting or planning to report a crime; blaming the military member for the report or assault; and/or subjecting the military member to insults or bullying.

³³ DoD (2014).

As depicted in Figure 44, the *Perceived Ostracism* rate in the 2016 MIJES is a summary measure reflecting whether respondents indicated they perceived experiencing at least one negative action by military peers and/or coworkers as a result of reporting a sexual assault intended to make them feel excluded or ignored, specifically: someone made insulting or disrespectful remarks or made jokes at the respondent's expense in public, excluded or threatened to exclude the respondent from social activities or interactions, or ignored or failed to speak to the respondent (Q67). To be included in this rate, respondents also needed to indicate they perceived at least one individual who took the action knew or suspected the respondent made an official report of sexual assault (unrestricted or restricted) (Q68). Further, respondents had to indicate they believed the action was taken to discourage them from moving forward with their report or discourage others from reporting (Q69).

Figure 44.
Construction of Perceived Ostracism Rate



Perceived Maltreatment

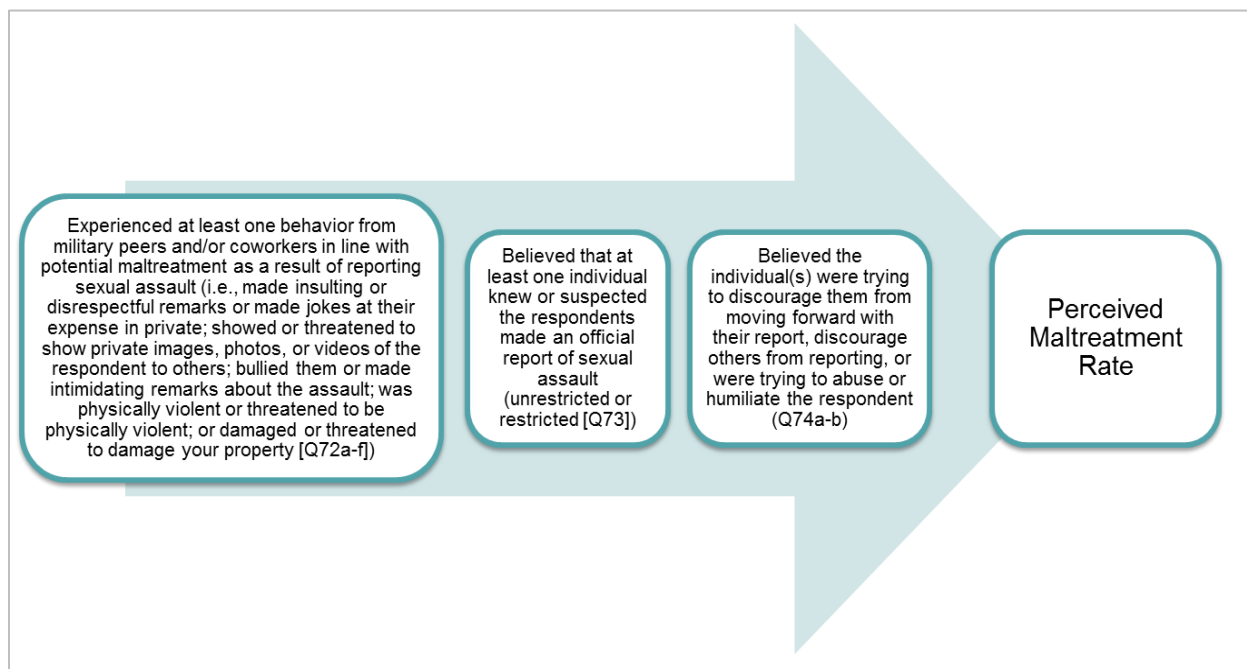
In the context of retaliation, perceived maltreatment prohibitions must include a specific set of criteria in order to maintain judicial validation against the limitations on the freedom of disassociation. As with perceived ostracism, the Services crafted regulations making certain behavior punitive under Article 92, of the UCMJ, as mandated by Section 1709(a).³⁴ Cruelty, oppression, and maltreatment are acts that occur without a valid military purpose, and may include physical or psychological force or threat or abusive or unjustified treatment that results in physical or mental harm done with the intent to deter the reporting of a criminal offense or

³⁴ DoD (2014).

participation in the military justice process. For the purposes of this report, the construct of “cruelty, oppression, and maltreatment” are referenced broadly as “maltreatment.”³⁵

As depicted in Figure 45, the *Perceived Maltreatment* rate is a summary measure that includes perceived experiences of at least one negative action by military peers and/or coworkers as a result of reporting a sexual assault which may include physical or psychological force, threat, or abusive or unjustified treatment that results in physical or mental harm, specifically: someone made insulting or disrespectful remarks or made jokes at the respondent’s expense in private; showed or threatened to show private images, photos, or videos of the respondent to others; bullied the respondent or made intimidating remarks about the assault; was physically violent with the respondent or threatened to be physically violent; or damaged or threatened to damage the respondent’s property (Q72). To be included in this rate, respondents also needed to indicate they perceived at least one person who took the action knew or suspected they made an official (unrestricted or restricted) sexual assault report (Q73) and they believed that person(s) were trying to discourage the respondent from moving forward with the report, discourage others from reporting, or was trying to abuse or humiliate the respondent (Q74).

Figure 45.
Construction of Perceived Maltreatment Rate

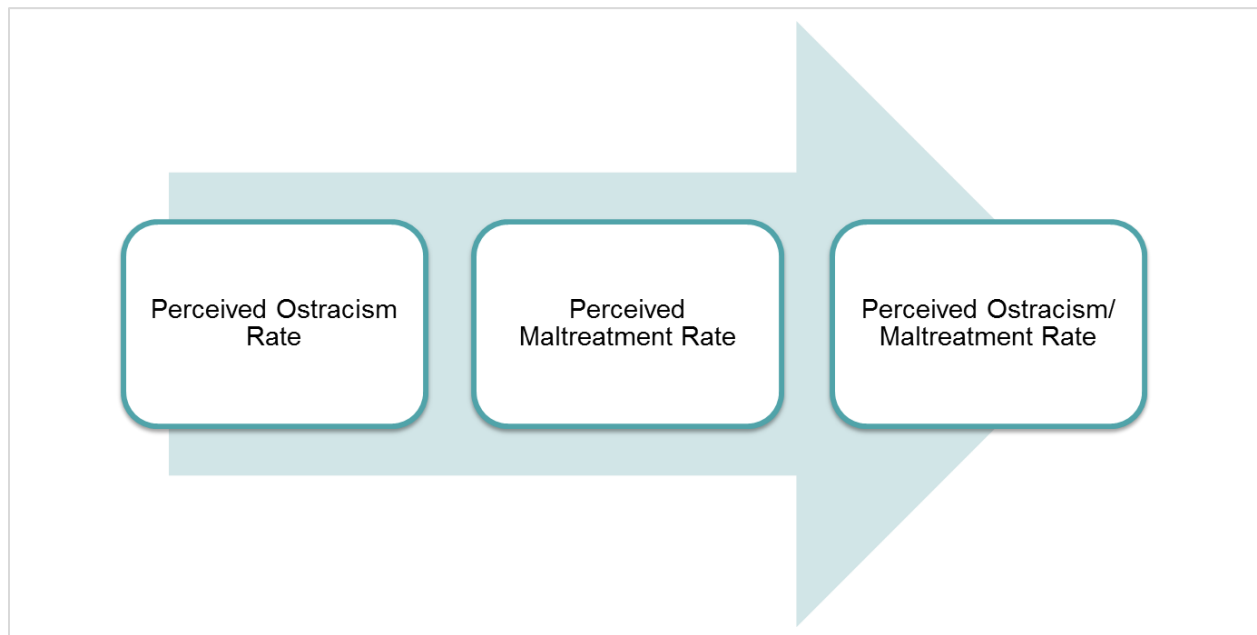


³⁵ Maltreatment as used in this survey comprises both maltreatment in the context of reporting an offense and under Article 93 of the UCMJ.

Perceived Ostracism/Maltreatment

By regulations, ostracism/maltreatment is defined as “ostracism and acts of maltreatment committed by peers of a member of the Armed Forces or by other persons because the member reported a criminal offense.”³⁶ As depicted in Figure 46, the *Perceived Ostracism/Maltreatment* rate is an overall measure reflecting whether respondents reported experiencing behaviors and actions by military peers and/or coworkers in order to fulfill requirements for inclusion in the rate for either *Perceived Ostracism* and/or *Perceived Maltreatment* (Q67-Q69, Q72-Q74).

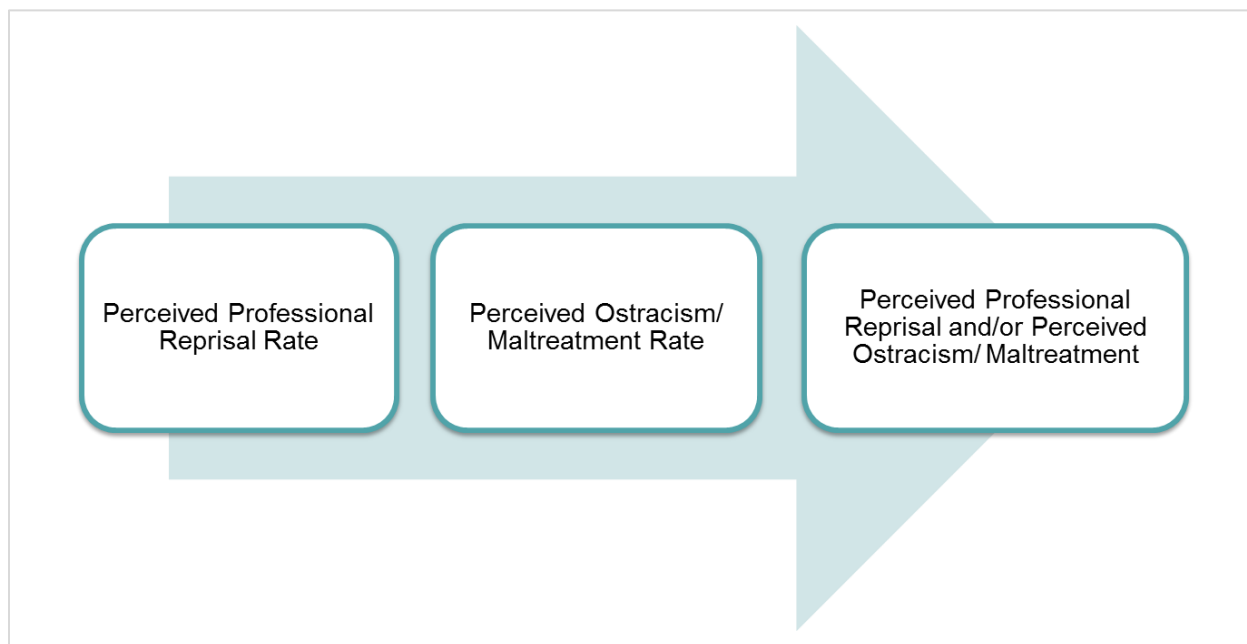
Figure 46.
Construction of Perceived Ostracism/Maltreatment Rate



Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment

As depicted in Figure 47, the overall *Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment* rate is an overall measure reflecting whether members indicated experiencing negative actions from their leadership, military peers, and/or coworkers as a result of reporting a sexual assault, and which meets the requirements for inclusion in the estimates of *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment* (Q61-Q63, Q67-Q69, and Q72-Q74).

³⁶ Section 1709(a) of the NDAA for FY 2014 requires regulations prohibiting retaliation against an alleged survivor or other member of the Armed Forces who reports a crime, and requires that violations of those regulations be punishable under Article 92.

Figure 47.***Construction of Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment Rate***

The next sections detail the rates and perceived experiences of respondents based on the aforementioned construction criteria. Results are presented for respondents at the Total DoD level.

Perceived Professional Reprisal

As seen in Figure 48, for respondents overall, the *Perceived Professional Reprisal Rate* was 28%. Overall, 16% of respondents perceived experiencing a behavior consistent with potential professional reprisal from their leadership, but did not experience additional motivating factors, as indicated by the respondent, needed to be included in the overall rate. Those respondents included in the *Perceived Professional Reprisal* rate reported experiencing a behavior consistent with potential professional reprisal from their leadership, believed that the leadership actions experienced were based on their report of sexual assault, and believed their leadership was trying to get back at them for making a report (unrestricted or restricted), trying to discourage the respondent from moving forward with the report, or were mad at the respondent for causing a problem for them. Specific details of this rate follow.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

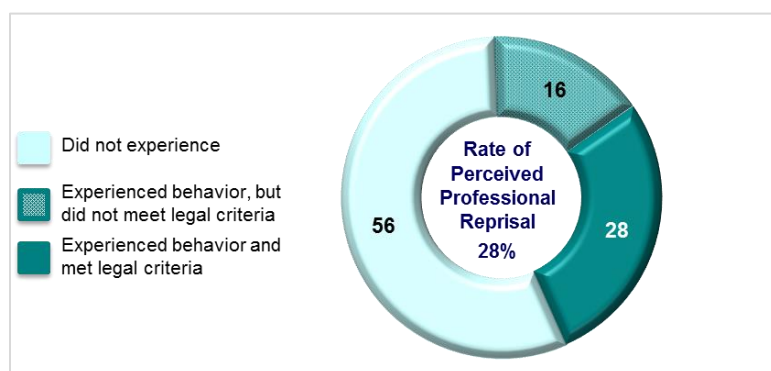
Figure 48.***2016 Perceived Professional Reprisal Rate of MIJES Respondents******Behaviors Consistent With Perceived Professional Reprisal***

Table 2 presents the list of behaviors that align with perceived professional reprisal. Data found in Table 2 include estimates for eligible respondents overall, as well as respondents who fell into the *Perceived Professional Reprisal Rate* (i.e., indicated experiencing a behavior consistent with perceived professional reprisal from their leadership, believed that the leadership actions experienced were based on their report of sexual assault, and believed their leadership was trying to get back at them for making a report [unrestricted or restricted], trying to discourage them from moving forward with the report, or were mad at the survivor for causing a problem for them).

Of respondents who met criteria³⁷ for *Perceived Professional Reprisal*, the majority (76%) indicated experiencing *some other action that negatively affects, or could negatively affect, their position or career* from leadership, whereas 56% indicated leadership *rated them lower than they deserved on a performance evaluation*, 39% indicated leadership *denied them a training opportunity that could have led to promotion or is needed in order to keep their current position*, 39% indicated leadership *reassigned them to duties that do not match their current grade*, 35% indicated leadership *denied them an award they were previously eligible to receive*, 34% indicated leadership *disciplined them or ordered other corrective action*, 27% indicated leadership *demoted them or denied them a promotion*, 23% indicated leadership *prevented, or attempted to prevent, them from communicating with the Inspector General or a member of Congress*, 21% indicated leadership *made them perform additional duties that do not match their current grade*, 21% indicated leadership *transferred them to a different unit or installation without their request or agreement*, 16% indicated leadership *ordered them to one or more command directed mental health evaluations*, and 5% indicated leadership *reduced their pay or benefits without doing the same to others*.

³⁷ To note, of the respondents who met criteria for *Perceived Professional Reprisal*, 65% indicated experiencing *some other action that negatively affects, or could negatively affect, their position or career* from leadership and also indicated some other behavior in line with perceived professional reprisal done by leadership (of the behaviors listed in Table 2).

Table 2.
Behaviors in Line With Perceived Professional Reprisal

Behaviors in Line With Perceived Professional Reprisal	Percent of Eligible Respondents	Percent of Eligible Respondents Who Met Criteria For Perceived Professional Reprisal
Some other action that negatively affects, or could negatively affect, your position or career	30%	76%
Rated you lower than you deserved on a performance evaluation	19%	56%
Reassigned you to duties that do not match your current grade	14%	39%
Denied you a training opportunity that could have led to promotion or is needed in order to keep your current position	13%	39%
Denied you an award you were previously eligible to receive	13%	35%
Disciplined you or ordered other corrective action	12%	34%
Demoted you or denied you a promotion	8%	27%
Prevented, or attempted to prevent, you from communicating with the Inspector General or a member of Congress	8%	23%
Made you perform additional duties that do not match your current grade	8%	21%
Transferred you to a different unit or installation without your request or agreement	8%	21%
Ordered you to one or more command directed mental health evaluations	7%	16%
Reduced your pay or benefits without doing the same to others	2%	5%
<i>Eligible number of respondents</i>	220	62

Note. Q61-Q63. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

As discussed above, 76% of respondents who met criteria for *Perceived Professional Reprisal* indicated experiencing *some other action that negatively affects, or could negatively affect, their position or career* from leadership. However, of respondents overall, regardless of whether they met criteria, 30% indicated experiencing *some other action that negatively affects, or could negatively affect, their position or career* from leadership. These respondents were asked to specify the other negative actions leadership took. Overall, 62 respondents specified a variety of

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

negative actions, the majority of which were behaviors akin to ostracism or maltreatment. Of the negative actions related to professional reprisal, the most frequently mentioned actions taken by leadership included belief that leadership *breached confidentiality*, leadership forced the respondent to *involuntarily separate or transfer*, or the respondent was *unwarrantedly disciplined*. Examples of these negative actions include the following quotations:

Breach of confidentiality

- “*Made it a point to put my information out for everyone to know about.*”
- “*My case was not kept confidential, and was the subject of gossip even after I left.*”
- “*My leadership talking about the case outside a need to know basis created a hostile work environment for me. It encouraged the spread of rumors and made it difficult for me to work with males both in my unit that the event occurred and once I PCS’d due to many of the same people relocating to the same location as me.*”
- “*My flight leadership made a point of contacting my future leadership to ‘warn’ them about me when I received a new assignment. Other members of my flight also made a point of contacting members of my new flight to ensure that everyone knew about my case and that I had ‘gotten someone kicked out.’*”

Involuntary separation or transfer

- “*Moved me from my position without notice. Removed me from deployment.*”
- “*Was labeled a trouble maker and hurried through an administrative separation for an [medical] disorder... still facing repercussions and was transferred from previous duty station.*”
- “*I was barred from reenlistment, and then [they] move[d] me to a unit within the same brigade instead of moving me to a OCONUS [outside the continental United States] place of my choice as my VA promised me.*”

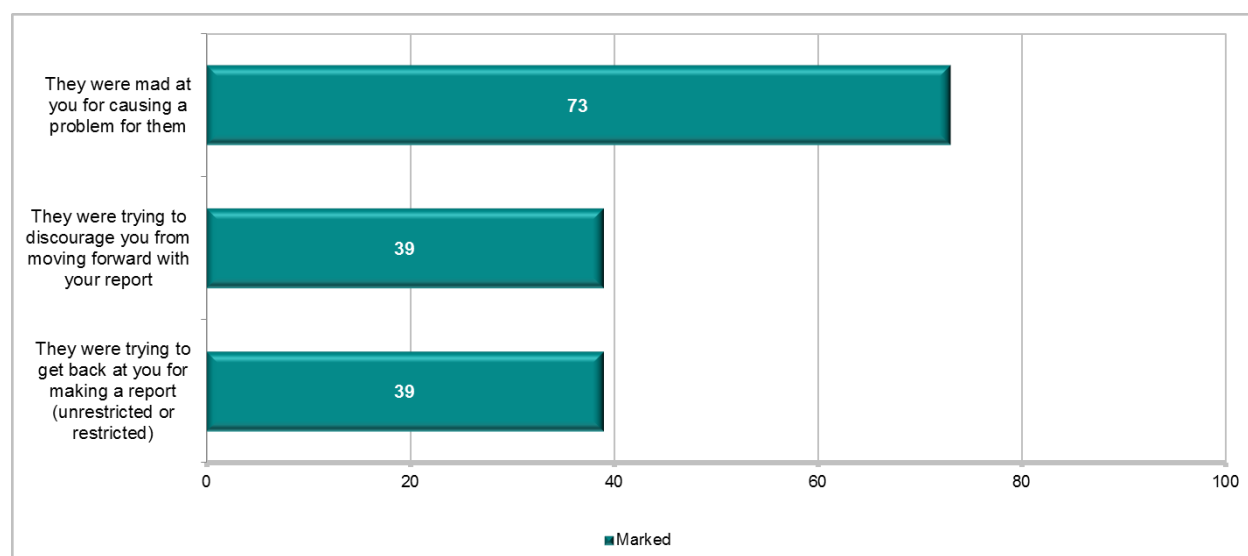
Unwarranted discipline

- *“Tr[ie]d charging me for malingering trying to deny me time to speak with therapists forcing me to be in similar places with assaulter.”*
- *“Denied opportunity to be put up for BTZ [Below the Zone promotion].”*
- *“Threatened to demote and send my two roommates who were in another room during the incident to Mast if I decided to go forward with the report, and told me they would likely be punished severely despite not being the offender or having any wrong doing.”*
- *“I was not allotted the same opportunities when it came to training or experiences. I was held back because my receiving shop [ERANK] felt like I was handicapped because of what happened to me. I was treated as a lesser part of the shop.”*

Perceived Reasons Why Leadership Took the Actions Aligned With Perceived Professional Reprisal

The third criterion used to construct the *Perceived Professional Reprisal Rate* is the respondent's perception of why their leadership chose to take the action against them as a result of reporting their sexual assault. To be included in the rate, respondents needed to indicate that they perceived that their leadership was trying to get back at them for making a report (unrestricted or restricted), trying to discourage them from moving forward with the report, or were mad at them for causing a problem for them. As seen in Figure 49, of respondents who indicated experiencing negative behaviors and believed the leadership actions experienced were only based on their report of sexual assault, 73% indicated leadership took the action because *they were mad at the respondent for causing a problem for them*, and 39% indicated *they were trying to discourage them from moving forward with their report and/or they were trying to get back at them for making a report (unrestricted or restricted)*. The eligible number of respondents who answered the question is 82.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 49.***Perceived Reasons Why Leadership Took the Actions Aligned With Perceived Professional Reprisal******Q61-Q63***

Percent of eligible respondents who indicated experiencing negative actions from their leadership in line with potential professional reprisal and who believed the leadership actions experienced were only based on their report of sexual assault. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Table 3 provides a complete breakout of all response options that respondents who indicated experiencing negative actions from their leadership and believed the leadership actions experienced were only based on their report of sexual assault could have indicated. Of these members, half or more indicated they thought leadership took other actions, which were not in line with *Perceived Professional Reprisal*, because *they did not believe the respondent* (63%); *they did not understand the situation* (52%); and *they were friends with the person(s) who committed the sexual assault* (49%).

Table 3.***Reasons That Leadership Took the Perceived Professional Reprisal Actions***

Reasons That Leadership Took the Perceived Professional Reprisal Actions	Percent of Eligible Respondents Who Believed the Leadership Actions Were Based on Report
Perceived Professional Reprisal Criteria Response Options	
They were mad at you for causing a problem for them	73%
They were trying to discourage you from moving forward with your report	39%
They were trying to get back at you for making a report (unrestricted or restricted)	39%
Other Reasons	
They did not believe you	63%
They did not understand the situation	52%
They were friends with the person(s) who committed the sexual assault	49%
Some other reason	27%
They were addressing the issue of collateral misconduct	10%
Not sure	7%
They were trying to help you	6%
They were following established protocol by temporarily reassigning you during recovery	4%
<i>Eligible number of respondents</i>	82

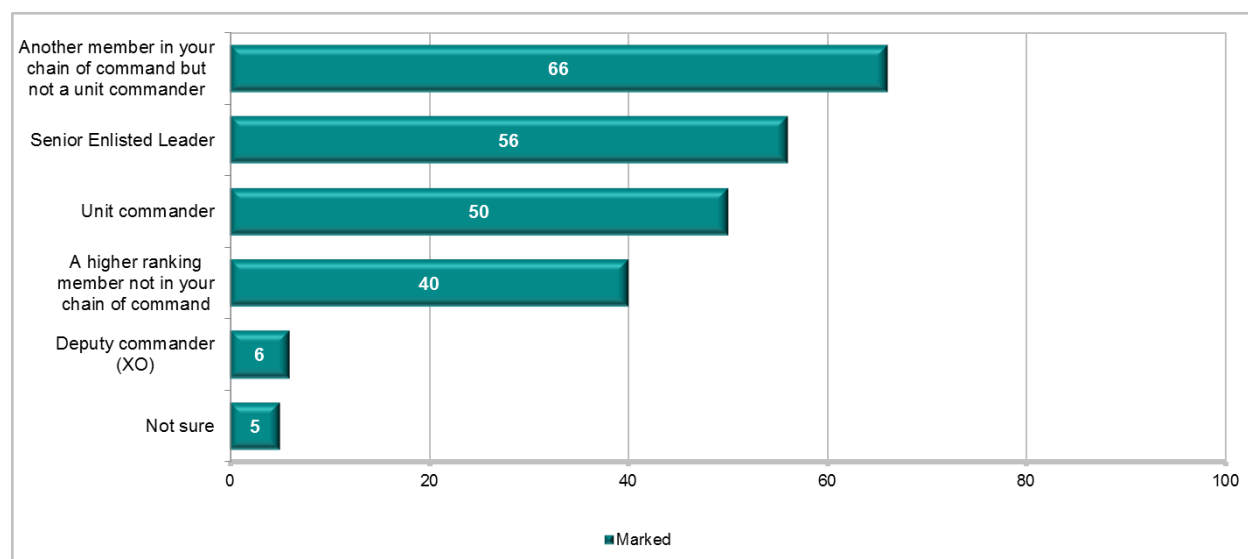
Note. Q61-Q63. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Individual(s) Who Took the Perceived Professional Reprisal Action

As seen in Figure 50, of respondents who indicated experiencing *Perceived Professional Reprisal*, 66% indicated *another member in their chain of command, but not a unit commander* took the action, whereas 56% indicated their *Senior Enlisted Leader* took the action, 50% indicated their *unit commander* took the action, 40% indicated a *higher ranking member not in the respondent's chain of command* took the action, 6% indicated the *deputy commander (XO)* took the action, and 5% indicated they were *not sure* who took the action(s). The eligible number of respondents who answered the question is 62.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 50.
Individual(s) Who Took the Perceived Professional Reprisal Action



Q64

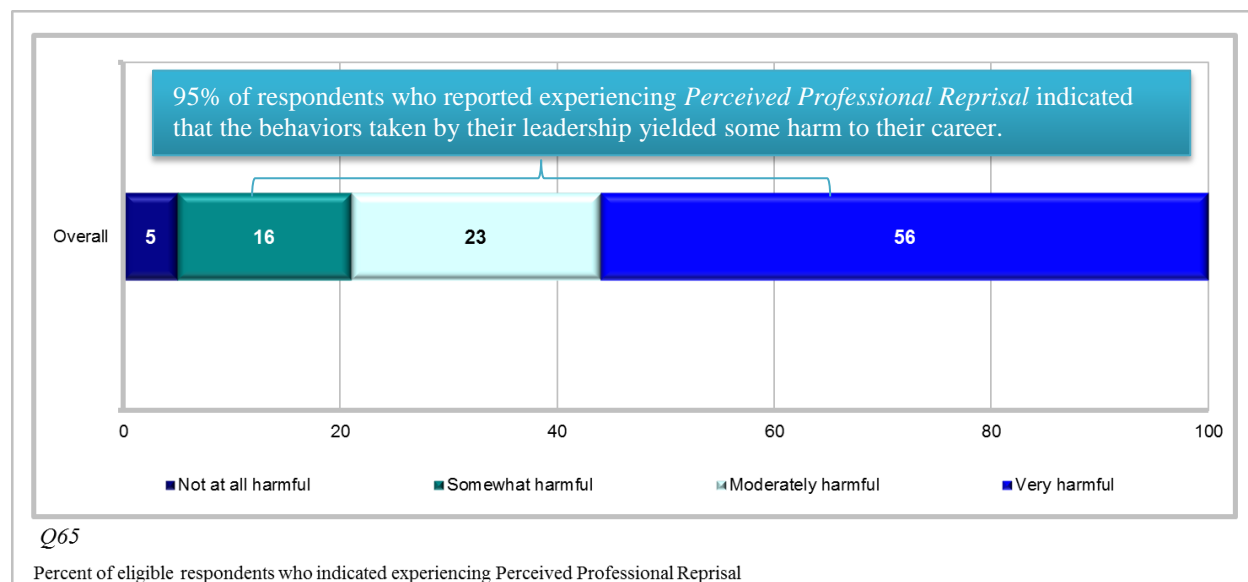
Percent of eligible respondents who took the survey and met criteria for *Perceived Professional Reprisal*. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Perceived Harm to Career

Of importance to the Department is determining the perceived impact of professional reprisal behaviors on a military member's career. For this item, if the respondent indicated the actions taken by leadership are likely to have both a short-term and lasting impact on their career, then the actions were *very harmful*; if the actions are likely to have a short-term impact and some lasting impact on their career, then the actions were *moderately harmful*; if the actions are likely to have a short-term impact, but not a lasting impact on their career, then the actions were *somewhat harmful*; but if the actions are unlikely to have a short-term or lasting impact on their career, then the actions were considered *not at all harmful*.

As seen in Figure 51, of respondents who indicated experiencing *Perceived Professional Reprisal*, 56% believed that behaviors taken by their leadership were *very harmful*, 23% indicated these behaviors were *moderately harmful*, 16% indicated these behaviors were *somewhat harmful* and 5% indicated these behaviors taken by their leadership were *not at all harmful*. The eligible number of respondents who answered the question is 61.

Figure 51.
Perceived Harm to Career



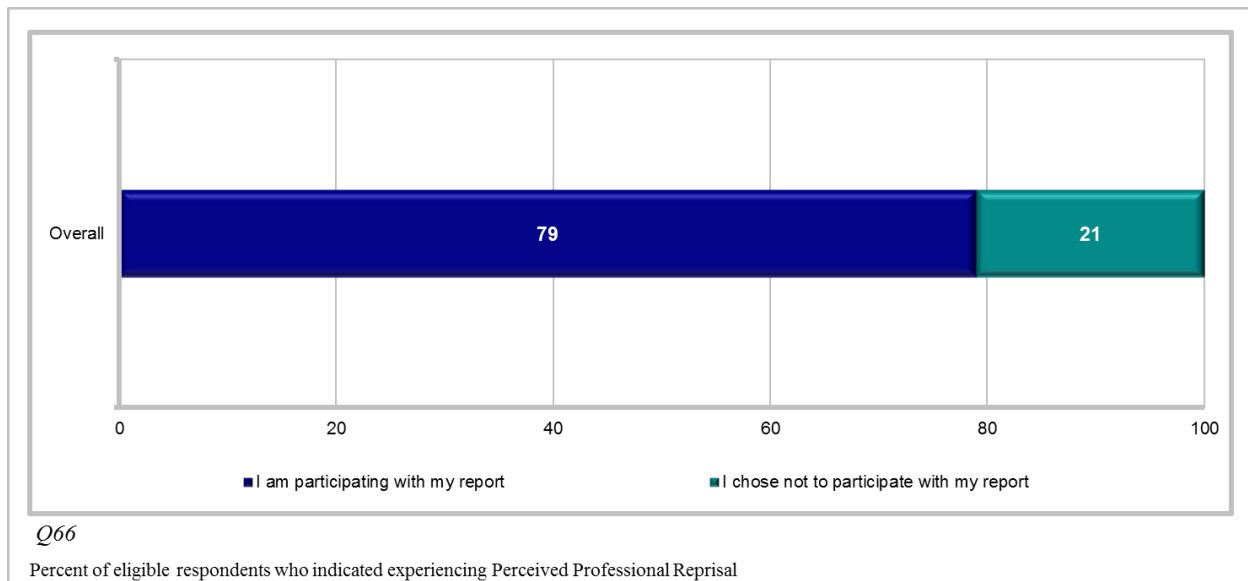
Decision to Participate or Move Forward With Report as a Result of Experiencing Perceived Professional Reprisal

As described in the construction of the *Perceived Professional Reprisal* rate, part of leadership's motivation in undertaking these behaviors might involve trying to discourage the respondent from moving forward with the report. Therefore, it is of interest to the Department to know whether experiencing these behaviors impacts a person's decision to move forward with their report. As seen in Figure 52, the majority (79%) of respondents who indicated experiencing *Perceived Professional Reprisal* indicated they decided to participate and/or move forward with their report. However, 21% indicated that as a result of the actions taken against them, they chose not to participate or move forward with their report. The eligible number of respondents who answered the question is 61.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 52.

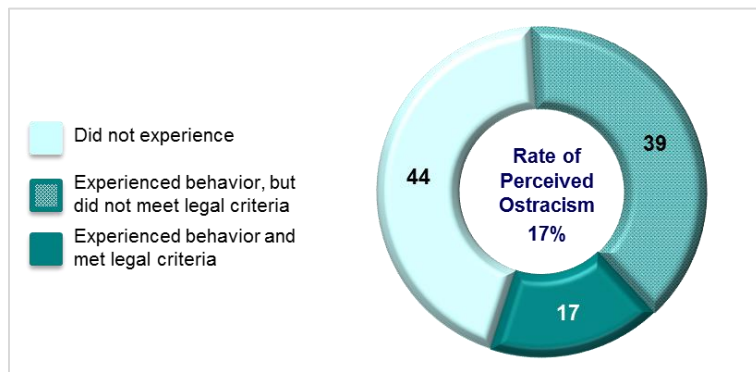
Decision to Participate or Move Forward With Report as a Result of Experiencing Perceived Professional Reprisal



Perceived Ostracism

As seen in Figure 53, for respondents overall, the *Perceived Ostracism Rate* was 17%. Overall, 39% of respondents perceived experiencing a behavior consistent with potential ostracism from their military peers and/or coworkers, but did not experience additional motivating factors, as indicated by the respondent, needed to be included in the overall rate. Those respondents included in the *Perceived Ostracism* rate reported experiencing a behavior consistent with potential ostracism from their military peers and/or coworkers, believed that these actions experienced were based on their report of sexual assault, and believed their military peers and/or coworkers were trying to discourage the respondent from moving forward with the report or discourage others from reporting. Specific details of this rate follow.

Figure 53.
2016 Perceived Ostracism Rate of MIJES Respondents



Behaviors Consistent With Perceived Ostracism

Table 4 presents the list of behaviors that align with perceived ostracism. Data found in Table 4 include estimates for eligible respondents overall, as well as respondents who fell into the *Perceived Ostracism Rate* (i.e., indicated experiencing a behavior consistent with perceived ostracism from their military peers and/or coworkers; believed that those who took the actions knew or suspected the respondent made an official [unrestricted or restricted] sexual assault report; and those who took the actions were trying to discourage them from moving forward with the report, or discourage others from reporting). Of respondents who met criteria for *Perceived Ostracism*, the majority indicated military peers and/or coworkers *ignored them or failed to speak to them (for example, gave them "the silent treatment"; 89%), made insulting or disrespectful remarks or made jokes at their expense—in public (86%), and excluded them or threatened to exclude them from social activities or interactions (81%)*.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

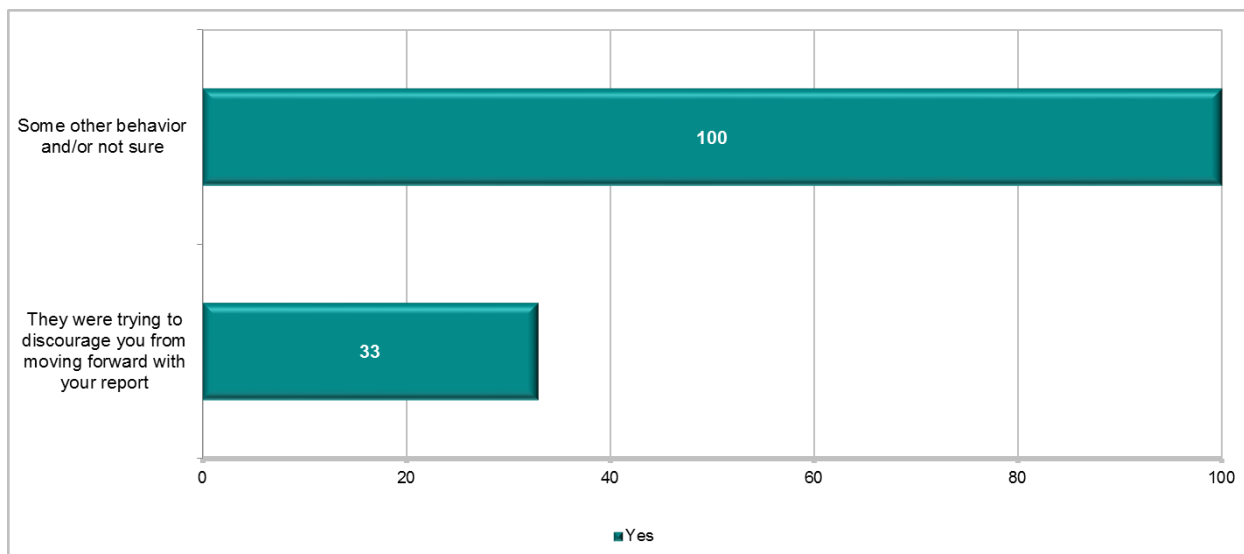
Table 4.
Behaviors in Line With Perceived Ostracism

Behaviors in Line With Perceived Ostracism	Percent of Eligible Respondents	Percent of Eligible Respondents Who Met Criteria For Perceived Ostracism
Ignored you or failed to speak to you (for example, gave you "the silent treatment")	47%	89%
Made insulting or disrespectful remarks or made jokes at your expense—in public	39%	86%
Excluded you or threatened to exclude you from social activities or interactions	35%	81%
<i>Eligible number of respondents</i>	223	37

Note. Q67-Q69. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Perceived Reasons Why Military Peers and/or Coworkers Took the Actions Aligned With Perceived Ostracism

The third criterion used to construct the *Perceived Ostracism Rate* is the respondent's perception of why their peers and/or coworkers chose to take the action against them as a result of reporting their sexual assault. To be included in the rate, respondents needed to indicate that they perceived that their peers and/or coworkers were trying to discourage them from moving forward with their report, or discourage others from reporting. As seen in Figure 54, of respondents who indicated experiencing negative actions from their military peers and/or coworkers in line with ostracism, and believed that the person(s) who took these actions knew or suspected they made an official sexual assault report, 33% indicated their military peers and/or coworkers took the action because *they were trying to discourage them from moving forward with their report, or discourage others from reporting*, whereas 100% indicated *some other behavior and/or not sure*. The eligible number of respondents who answered the question is 111.

Figure 54.***Perceived Reasons Why Military Peers and/or Coworkers Took the Actions Aligned With Perceived Ostracism****Q67-Q69*

Percent of eligible respondents who indicated experiencing negative actions from their military peers and/or coworkers in line with ostracism, and believed that the person(s) who took these actions knew or suspected they made an official sexual assault report. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Table 5 provides a complete breakout of all response options that respondents who indicated experiencing negative actions from their military peers and/or coworkers in line with ostracism, and believed that the person(s) who took these actions knew or suspected they made an official sexual assault report could have indicated. Of these members, half or more indicated they thought the person(s) who took the other actions, which were not in line with *Perceived Ostracism*, because *they were friends with the person(s) who committed the sexual assault* (84%); *they did not believe the respondent* (68%); and *they were trying to make the respondent feel excluded* (49%).

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Table 5.***Reasons That Military Peers/Coworkers Took the Perceived Ostracism Actions***

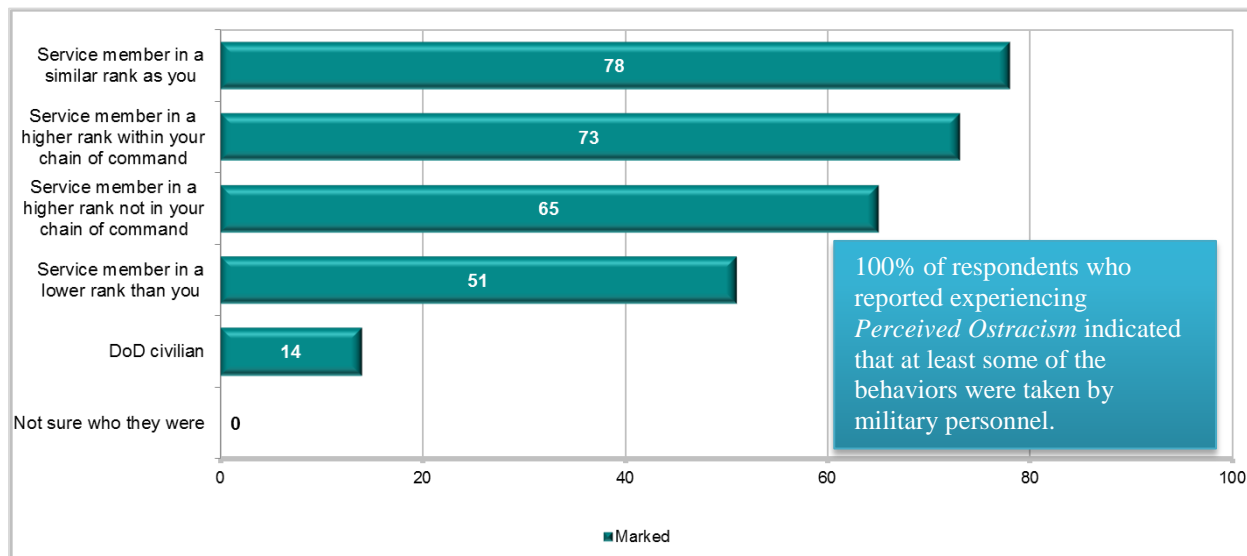
Reasons That Military Peers/Coworkers Took the Perceived Ostracism Actions	Percent of Eligible Respondents Who Believed Person(s) Who Took Actions Knew or Suspected They Made an Official Report
Perceived Ostracism Criteria Response Options	
They were trying to discourage you from moving forward with your report, or discourage others from reporting	33%
Other Reasons	
They were friends with the person(s) who committed the sexual assault	84%
They did not believe you	68%
They were trying to make you feel excluded	49%
Some other reason	27%
Not sure	7%
<i>Eligible number of respondents</i>	111

Note. Q67-Q69. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Individual(s) Who Took the Perceived Ostracism Action

As seen in Figure 55, of respondents who indicated experiencing *Perceived Ostracism*, 78% indicated a *Service member in a similar rank as them* took the action, whereas 73% indicated a *Service member in a higher rank within their chain of command* took the action, 65% indicated a *Service member in a higher rank not in their chain of command* took the action, 51% indicated a *Service member in a lower rank than them* took the action, and 14% indicated a *DoD civilian* took the action. No one indicated they were *not sure who they were*. The eligible number of respondents who answered the question is 37.

Figure 55.
Individual(s) Who Took the Perceived Ostracism Action



2016 MIJES Q70

Percent of eligible respondents who took the survey and met criteria for *Perceived Ostracism*. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

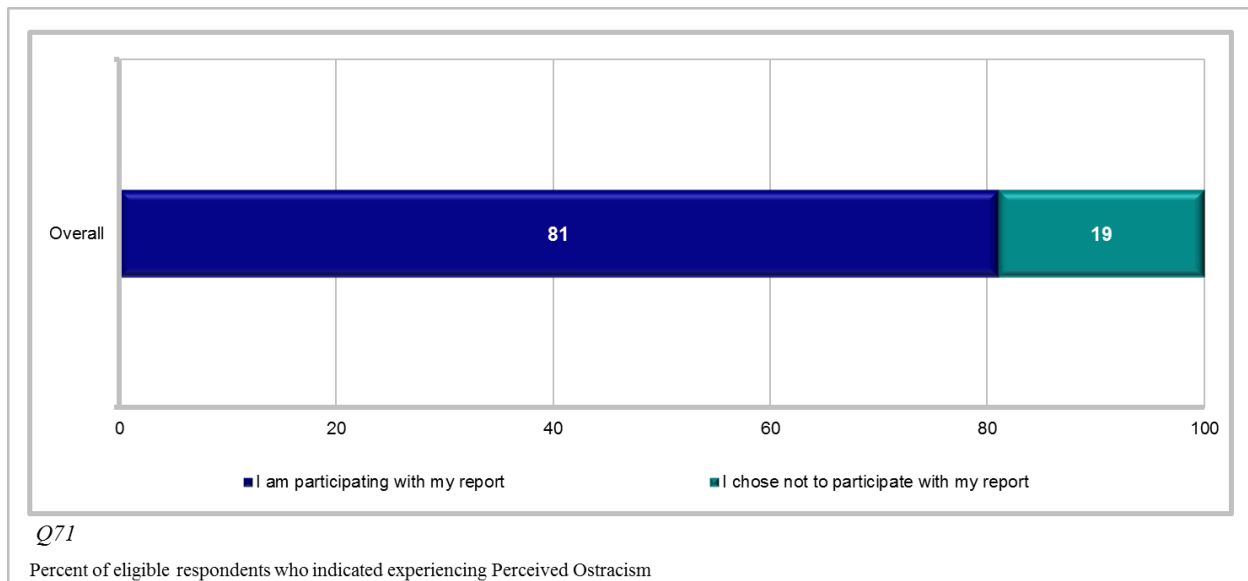
Decision to Participate or Move Forward With Report as a Result of Experiencing *Perceived Ostracism*

As described in the construction of the *Perceived Ostracism* rate, part of the motivation in undertaking these behaviors might involve trying to discourage the respondent from moving forward with the report. Therefore, it is of interest to the Department to know whether experiencing these behaviors impacts a person's decision to move forward with their report. As seen in Figure 56, of respondents who indicated experiencing *Perceived Ostracism*, the majority (81%) indicated they decided to participate and/or move forward with their report. However, 19% indicated that as a result of the actions taken against them, they chose not to participate or move forward with their report. The eligible number of respondents who answered the question is 37.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 56.

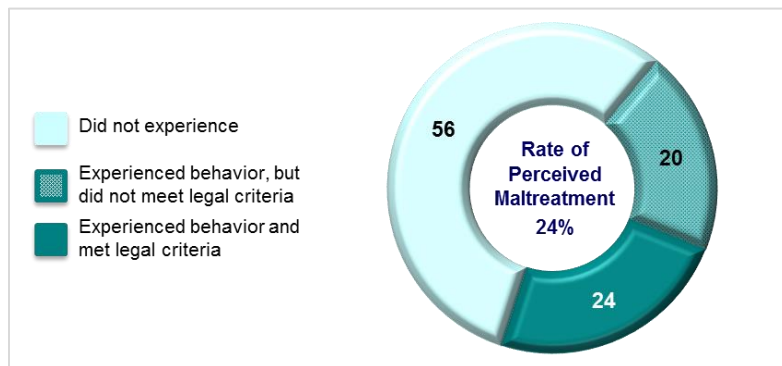
Decision to Participate or Move Forward With Report as a Result of Experiencing Perceived Ostracism



Perceived Maltreatment

As seen in Figure 57, for respondents overall, the *Perceived Maltreatment Rate* was 24%. Overall, 20% of respondents perceived experiencing a behavior consistent with potential maltreatment from their military peers and/or coworkers, but did not experience additional motivating factors, as indicated by the respondent, needed to be included in the overall rate. Those respondents included in the *Perceived Maltreatment* rate reported experiencing a behavior consistent with potential maltreatment from their military peers and/or coworkers; believed that these actions experienced were based on their report of sexual assault; and believed their military peers and/or coworkers were trying to discourage them from moving forward with their report, discourage others from reporting, or were trying to abuse or humiliate the respondent. Specific details of this rate follow.

Figure 57.
2016 Perceived Maltreatment Rate of MIJES Respondents



Behaviors Consistent With Perceived Maltreatment

Table 6 presents the list of behaviors that align with perceived maltreatment. Data found in Table 4 include estimates for eligible respondents overall, as well as respondents who fell into the *Perceived Maltreatment Rate* (i.e., indicated experiencing a behavior consistent with perceived maltreatment from their military peers and/or coworkers; believed that those who took the actions knew or suspected the respondent made an official [unrestricted or restricted] sexual assault report; and those who took the actions were trying to discourage them from moving forward with their report, discourage others from reporting, or were trying to abuse or humiliate the respondent). Of respondents who met criteria for *Perceived Maltreatment*, 72% indicated their military peers and/or coworkers *made insulting or disrespectful remarks or made jokes at their expense—to them in private*, 66% indicated these persons *bullied them or made intimidating remarks about the assault*, 62% indicated they experienced *some other negative action*, 15% indicated these persons *showed or threatened to show private images, photos, or videos of them to others*, 13% indicated these persons were *physically violent with them or threatened to be physically violent*, and 13% indicated these persons *damaged or threatened to damage their property*.³⁸

³⁸ Of the respondents who met criteria for *Perceived Maltreatment*, 49% indicated experiencing *some other negative action* from military peers and/or coworkers and also indicated some other behavior in line with perceived maltreatment (of the behaviors listed in Table 6).

Table 6.
Behaviors in Line With Perceived Maltreatment

Behaviors in Line With Perceived Maltreatment	Percent of Eligible Respondents	Percent of Eligible Respondents Who Met Criteria For Perceived Maltreatment
Made insulting or disrespectful remarks or made jokes at your expense—to you in private	30%	72%
Bullied you or made intimidating remarks about the assault	22%	66%
Some other negative action	24%	62%
Showed or threatened to show private images, photos, or videos of you to others	5%	15%
Was physically violent with you or threatened to be physically violent	4%	13%
Damaged or threatened to damage your property	4%	13%
<i>Eligible number of respondents</i>	220	53

Note. Q72-Q74. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

As discussed above, 62% of respondents who met criteria for *Perceived Maltreatment* indicated experiencing *some other negative action* from their military peers and/or coworkers. However, of respondents overall, regardless of whether they met criteria, 24% indicated experiencing *some other negative action* from their military peers and/or coworkers. These respondents were asked to specify the other negative actions these individuals took. Overall, 39 respondents specified a variety of negative actions. Of these negative actions, the most frequently mentioned included these individuals *ostracized* the respondent, military peers and/or coworkers *spreading rumors* about the respondent, or they were *intimidated, threatened, or bullied*. Examples of these negative actions include the following quotations:

Respondent was ostracized

- *“I’ve had people unfriend and exclude me because they know about my past.”*
- *“People treated me like I was invisible to them... I felt very excluded from the unit I belong to and that resulted [for] me to PCS out.. I could not take that place anymore.”*
- *“Everyone in my office stopped talking to me.”*
- *“I was shunned by everyone except for a couple of females I socialized with.”*

Rumors spread about respondent

- *“Rumors spread like wildfire around the [LOCATION] and no one wanted to interact with me, they would call me a ‘liar’ and say I was seeking attention.”*
- *“They spread vicious rumors about me both at the location where the event occurred and when we PCS’d to my new unit. A Senior NCO told my peers at a new unit to be cautious working with me because I would ‘call SHARP’ on them. I left the country [when] the event occurred, but I couldn’t stop the rumor mill from continuing at my new location.”*
- *“People started rumors and said nasty things behind my back because they were friends with him, and whenever I passed by them I would get nasty looks from some of them.”*

Respondent was intimidated, threatened, or bullied

- *“The perpetrator sent his friend to my personal property to intimidate me from reporting. That same person also threatened me verbally not to report.”*
- *“He said he was going to come after me for making the report.”*
- *“Verbal degradation and emotional abuse/harassment.”*
- *“I was approached in front of over 100 senior [ORANK]s and Officers, and was threatened to the point of tears by a fellow [ORANK].”*

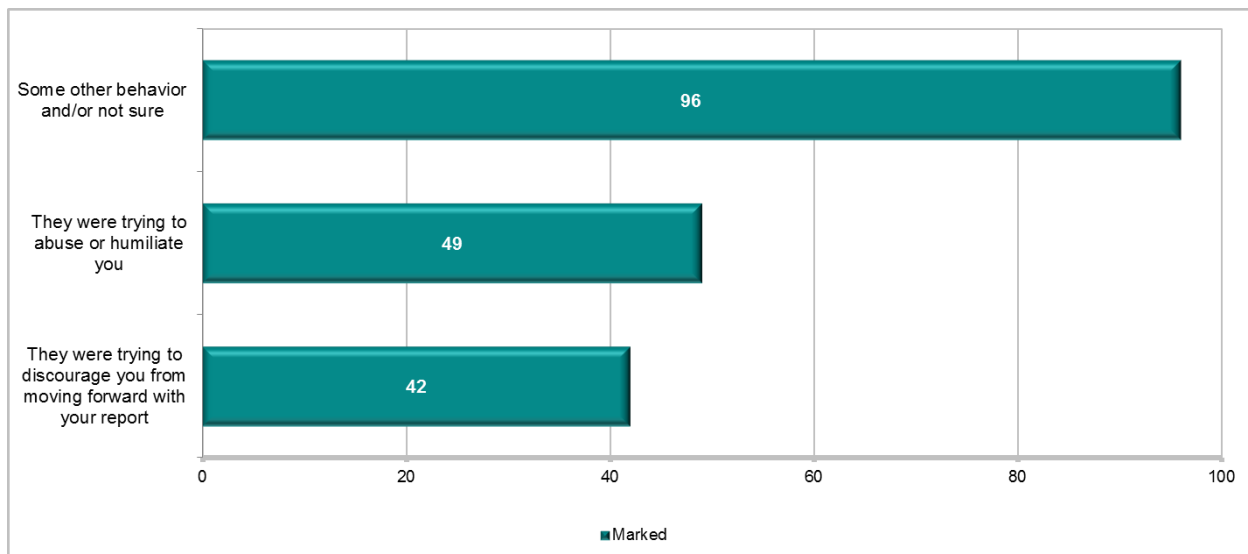
The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Perceived Reasons Why Military Peers and/or Coworkers Took the Actions Aligned With Perceived Maltreatment

The third criterion used to construct the *Perceived Maltreatment Rate* is the respondent's perception of why their peers and/or coworkers chose to take the action against them as a result of reporting their sexual assault. To be included in the rate, respondents needed to indicate that they perceived that their peers and/or coworkers were trying to discourage them from moving forward with their report, discourage others from reporting, or were trying to abuse or humiliate the respondent. As seen in Figure 58, of respondents who indicated experiencing negative actions from their military peers and/or coworkers in line with maltreatment, and believed that the person(s) who took these actions knew or suspected they made an official sexual assault report, 96% indicated *some other behavior and/or not sure*, 49% indicated their military peers and/or coworkers took the action because *they were trying to abuse or humiliate the respondent*, and 42% indicated these persons were *trying to discourage them from moving forward with their report or discourage others from reporting*. The eligible number of respondents who answered the question is 84.

Figure 58.

Perceived Reasons Why Military Peers and/or Coworkers Took the Actions Aligned With Perceived Maltreatment



Q72-Q74

Percent of eligible respondents who indicated experiencing negative actions from their military peers and/or coworkers in line with maltreatment, and believed that the person(s) who took these actions knew or suspected they made an official sexual assault report. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Table 7 provides a complete breakout of all response options that respondents who indicated experiencing negative actions from their military peers and/or coworkers in line with maltreatment, and believed that the person(s) who took these actions knew or suspected they

made an official sexual assault report could have indicated. Of these members, three-fifths or more indicated they thought the person(s) took other actions, which were not in line with *Perceived Maltreatment*, because *they were friends with the person(s) who committed the sexual assault* (78%) and *they did not believe the respondent* (60%).

Table 7.

Reasons That Military Peers/Coworkers Took the Perceived Maltreatment Actions

Reasons That Military Peers/Coworkers Took the Perceived Maltreatment Actions	Percent of Eligible Respondents Who Believed Person(s) Who Took Actions Knew or Suspected They Made an Official Report
Perceived Maltreatment Criteria Response Options	
They were trying to abuse or humiliate you	49%
They were trying to discourage you from moving forward with your report, or discourage others from reporting	42%
Other Reasons	
They were friends with the person(s) who committed the sexual assault	78%
They did not believe you	60%
Some other reason	16%
Not sure	8%
<i>Eligible number of respondents</i>	85

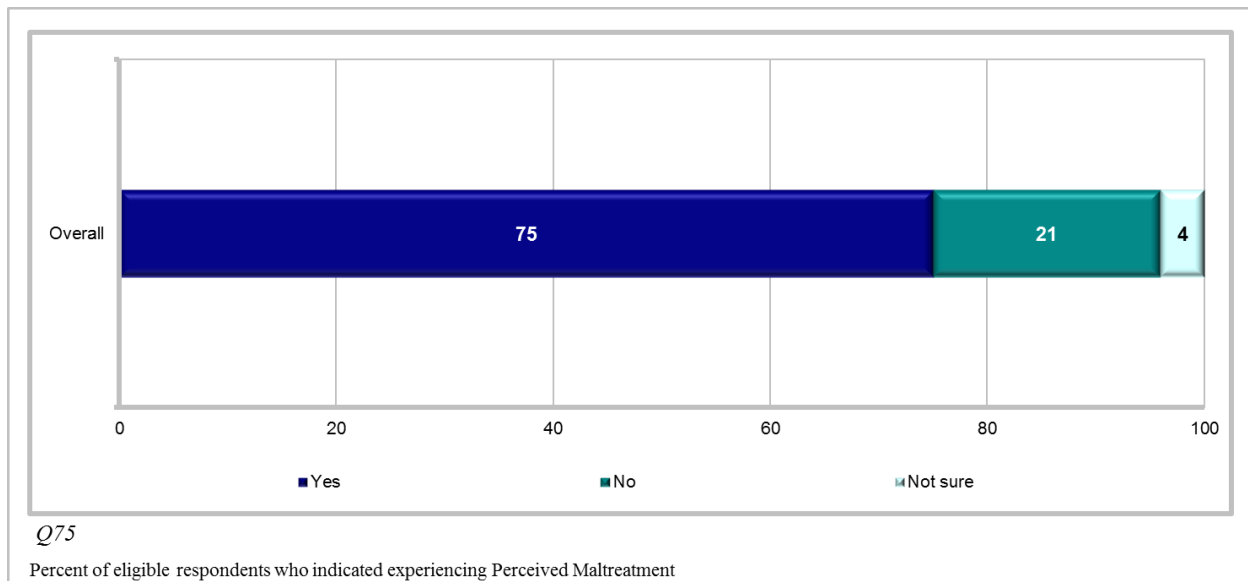
Note. Q72-Q74. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Were Military Peers and/or Coworkers Who Took Maltreatment Actions in a Position of Authority/Leadership

As seen in Figure 59, of respondents who indicated experiencing *Perceived Maltreatment*, 75% indicated *yes*, some of the persons who took the *Perceived Maltreatment* actions were in a position of authority/leadership over them, whereas 21% indicated *no*, the person was not in a position of authority/leadership over them, and 4% indicated they were *not sure*. The eligible number of respondents who answered the question is 53.

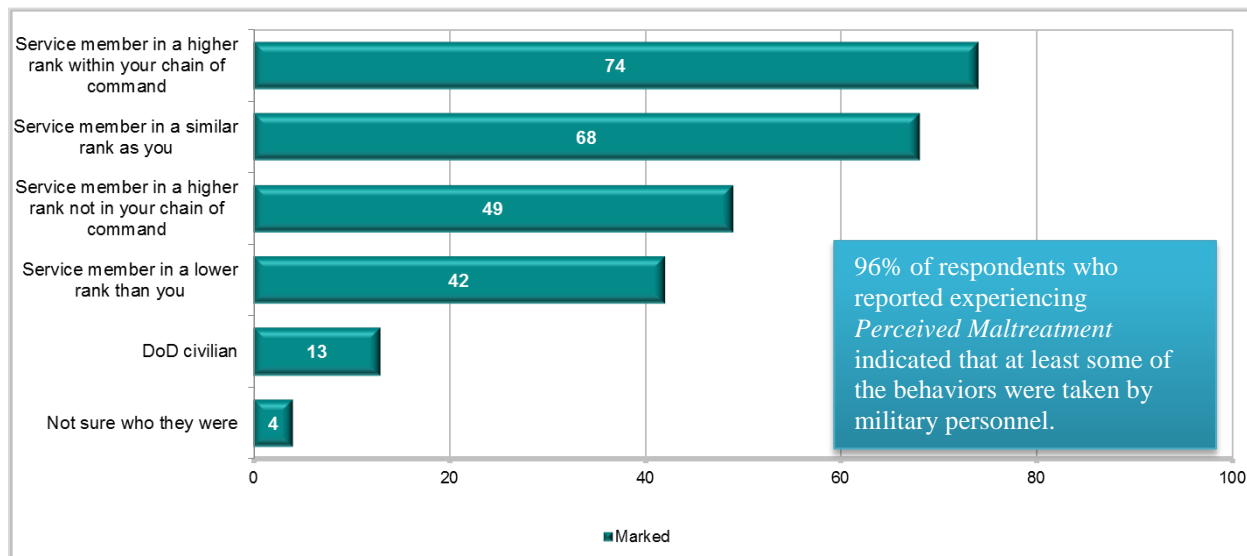
Figure 59.

Were Military Peers and/or Coworkers Who Took Maltreatment Actions in a Position of Authority/Leadership



Individual(s) Who Took the Perceived Maltreatment Action

As seen in Figure 60, of respondents who indicated experiencing *Perceived Maltreatment*, 74% indicated a *Service member in a higher rank within their chain of command* took the action, 68% indicated a *Service member in a similar rank as them* took the action, 49% indicated a *Service member in a higher rank not in their chain of command* took the action, 42% indicated a *Service member in a lower rank than them* took the action, 13% indicated a *DoD civilian* took the action, and 4% indicated they were *not sure who they were*. The eligible number of respondents who answered the question is 53.

Figure 60.***Individual(s) Who Took the Perceived Maltreatment Action***

Q76

Percent of eligible respondents who took the survey and met criteria for *Perceived Maltreatment*. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

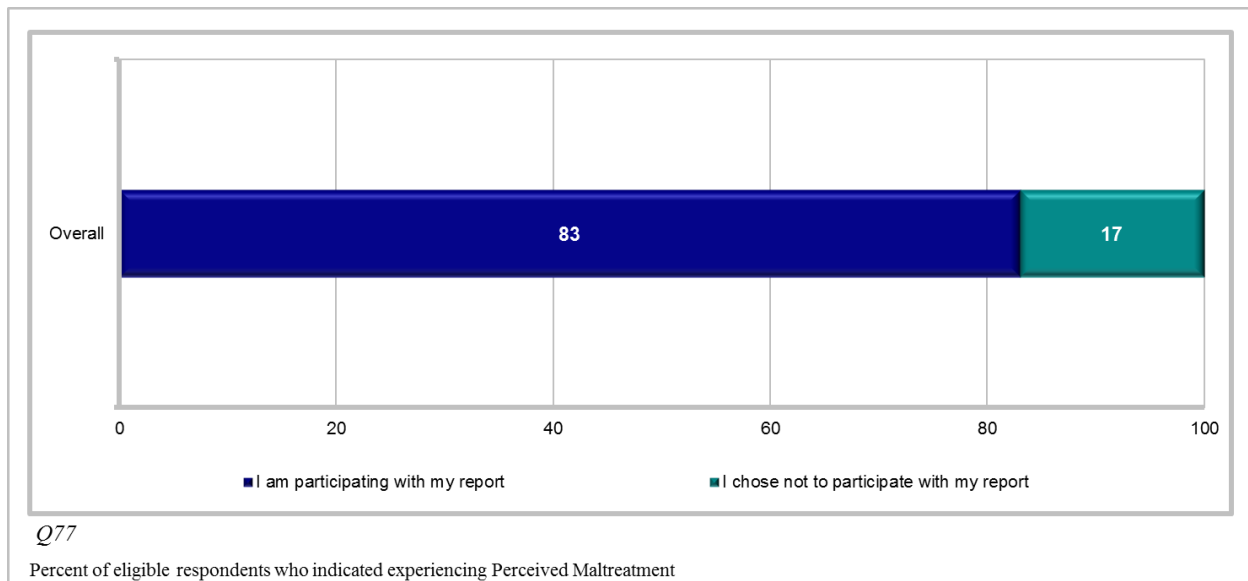
Decision to Participate or Move Forward With Report as a Result of Experiencing Perceived Maltreatment

As described in the construction of the *Perceived Maltreatment* rate, part of the motivation in undertaking these behaviors might involve trying to discourage the respondent from moving forward with the report. Therefore, it is of interest to the Department to know whether experiencing these behaviors impacts a person's decision to move forward with their report. As seen in Figure 61, of respondents who indicated experiencing *Perceived Maltreatment*, the majority (83%) indicated they decided to participate and/or move forward with their report. However, 17% indicated that as a result of the actions taken against them, they chose not to participate or move forward with their report. The eligible number of respondents who answered the question is 53.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 61.

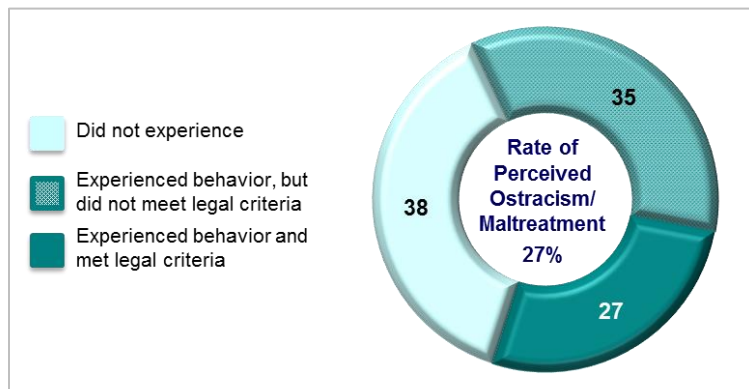
Decision to Participate or Move Forward With Report as a Result of Experiencing Perceived Maltreatment



Perceived Ostracism/Maltreatment

The overall *Perceived Ostracism/Maltreatment* rate is inclusive of the *Perceived Ostracism* and *Perceived Maltreatment* rates. As shown in Figure 62, for respondents overall, the *Perceived Ostracism/Maltreatment Rate* was 27%. This rate is a composite of respondents who reported experiencing *Perceived Ostracism* and/or *Perceived Maltreatment* by other military peers and/or coworkers for reporting a sexual assault. Overall, 35% of respondents perceived experiencing a behavior consistent with potential ostracism and/or potential maltreatment, but did not meet additional criteria to be included in the overall rate. Criteria include experiencing potential ostracism and/or potential maltreatment behaviors as a result of reporting a sexual assault, believing that the person(s) who took these actions knew or suspected they made an official (unrestricted or restricted) sexual assault report, and believing the individual(s) was trying to discourage them from moving forward with the report, or discourage others from reporting, or were trying to abuse or humiliate them. Specific details of this rate follow.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 62.**2016 Perceived Ostracism/Maltreatment Rate of MIJES Respondents****Actions Involving Social Media**

The Department has also shown interest in whether social media plays a role in behaviors consistent with ostracism/maltreatment. Of respondents who reported experiencing *Perceived Ostracism/Maltreatment*, 29% indicated that the actions they experienced involved some form of social media (e.g., Facebook, Twitter, Kik, Yik Yak, Snapchat). The eligible number of respondents who answered the question is 58.

Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment

The *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment* rate is an overall measure reflecting whether respondents reported experiencing *Perceived Professional Reprisal* and/or *Perceived Ostracism/Maltreatment* by leadership or other military peers and/or coworkers for reporting a sexual assault (Q61-Q63, Q67-Q69, and Q72-Q74). In this sense, it is a roll-up of possible perceived retaliatory behaviors.

As shown in Figure 63, for respondents overall, the *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment Rate* was 38%. This rate is a composite of respondents who reported experiencing *Perceived Professional Reprisal* and/or *Perceived Ostracism/Maltreatment* for reporting a sexual assault.³⁹ Overall, 31% of respondents perceived experiencing a behavior consistent with potential professional reprisal, potential ostracism, and/or potential maltreatment, but did not indicate additional motivating factors to be included in the overall rate. Specific details of this rate follow.

³⁹ *Perceived Professional Reprisal* and *Perceived Ostracism/Maltreatment* are not summed to create the *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment* rate. Respondents could report experiencing one or more behaviors and/or criteria to enter into the rate, and therefore there is overlap between the two individual rates *Perceived Professional Reprisal* and *Perceived Ostracism/Maltreatment*.

Figure 63.

2016 Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment Rate of MIJES Respondents

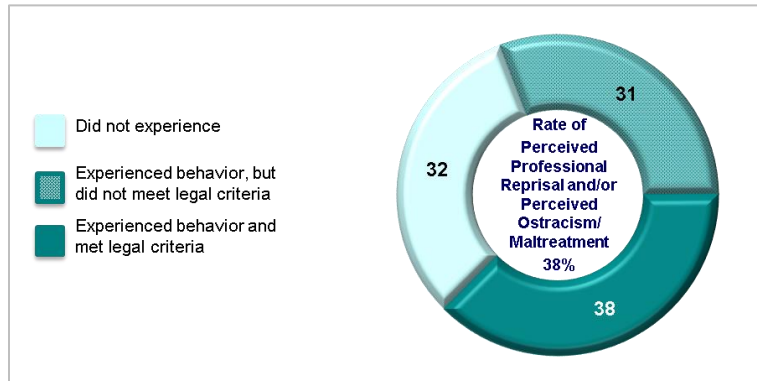
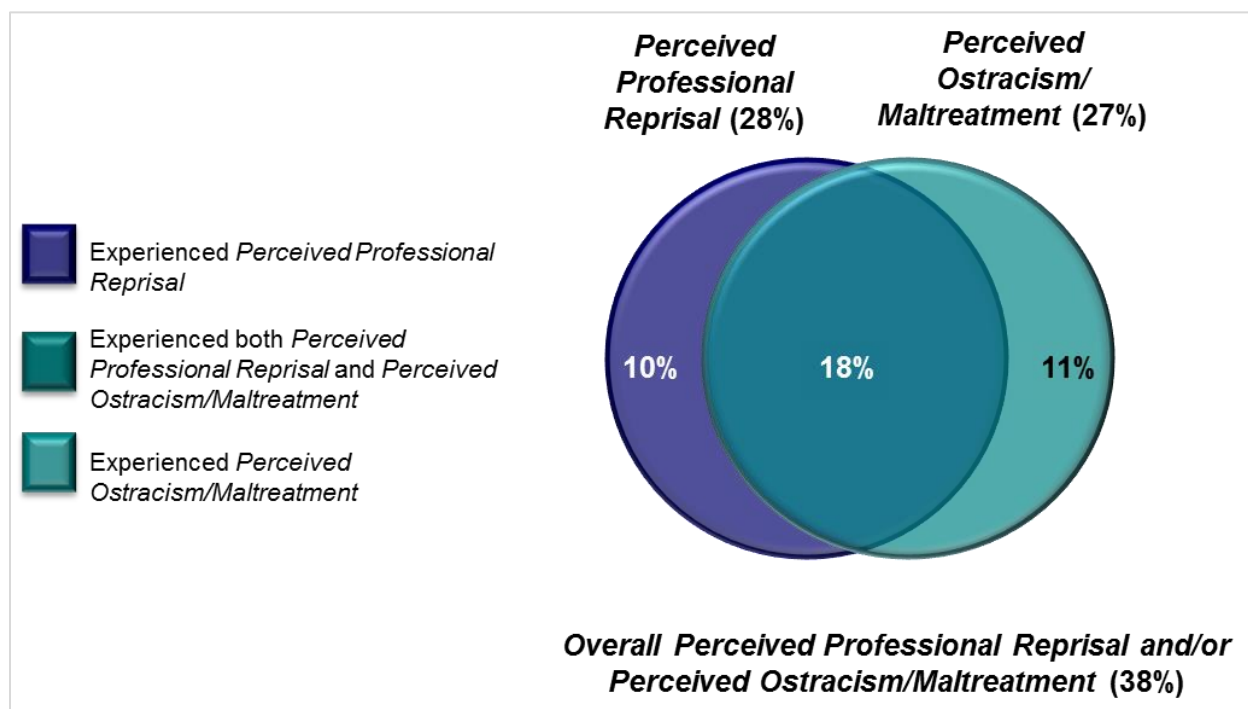


Figure 64 presents a Venn Diagram which highlights the overlap between the rates of *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment*. Overall, of the 28% of respondents who reported experiencing *Perceived Professional Reprisal* and the 27% who reported experiencing *Perceived Ostracism/Maltreatment*, 18% of respondents reported experiencing both *Perceived Professional Reprisal* and *Perceived Ostracism/Maltreatment* (10% reported experiencing only *Perceived Professional Reprisal* and 11% reported experiencing only *Perceived Ostracism/Maltreatment*).⁴⁰ Further interpretation of these rates revealed that of respondents who reported experiencing *Perceived Professional Reprisal*, 62% also reported experiencing *Perceived Ostracism/Maltreatment*. Of respondents who indicated experiencing *Perceived Ostracism/Maltreatment*, 64% also reported experiencing *Perceived Professional Reprisal*. The eligible number of respondents who answered the question is 217.

⁴⁰ These percentages may not add up to the Prevalence Rates due to rounding.

Figure 64.

Venn Diagram of Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment



Q61-Q63, Q67-Q69, Q72-Q74

Percent of eligible respondents who took the survey and met criteria for *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment*.

Actions Following Negative Behaviors From Leadership or Military Peers

Data found in Table 8 are of respondents who are included in the *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment* rate. Of respondents who reported experiencing *Perceived Professional Reprisal* and/or *Perceived Ostracism/Maltreatment*, as a result of the negative behaviors, 80% indicated that they *discussed these behaviors with their friends, family, coworkers, or a professional*, 61% indicated they *discussed these behaviors with a work supervisor or anyone up their chain of command with the expectation that some corrective action would be taken*, 44% indicated they *discussed these behaviors with a work supervisor or anyone up their chain of command to get guidance on what to do*, 23% indicated that they *filed a complaint (for example, with the Inspector General, Military Equal Opportunity Office, commander)*, and 8% indicated that they chose *none of the other actions*.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Table 8.***Actions Following Negative Behaviors From Leadership or Military Peers/Coworkers***

Actions Following Negative Behaviors From Leadership or Military Peers	Percent of Eligible Respondents Who Met Criteria For Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment
Discuss these behaviors with your friends, family, coworkers, or a professional?	80%
Discuss these behaviors with a work supervisor or anyone up your chain of command with the expectation that some corrective action would be taken?	61%
Discuss these behaviors with a work supervisor or anyone up your chain of command to get guidance on what to do?	44%
File a complaint (for example, with the Inspector General, Military Equal Opportunity Office, commander)?	23%
None of the other actions	8%
<i>Eligible number of respondents</i>	80

Note. Q79. Percent of eligible respondents who took the survey and met criteria for *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment*. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Agreement to Bring Allegation to a Case Management Group (CMG) Following Discussion

The Department has made efforts to improve response and reporting opportunities to provide survivors with restorative care and support. Though the military justice process is outside the purview of the SAPR program, SAPR professionals help survivors navigate and participate within the justice process. Therefore, unrestricted sexual assault cases are reviewed monthly at installation Case Management Group meetings (CMGs) where senior commanders ensure that appropriate care and services have been offered, and that cases are progressing through the investigative and military justice processes.

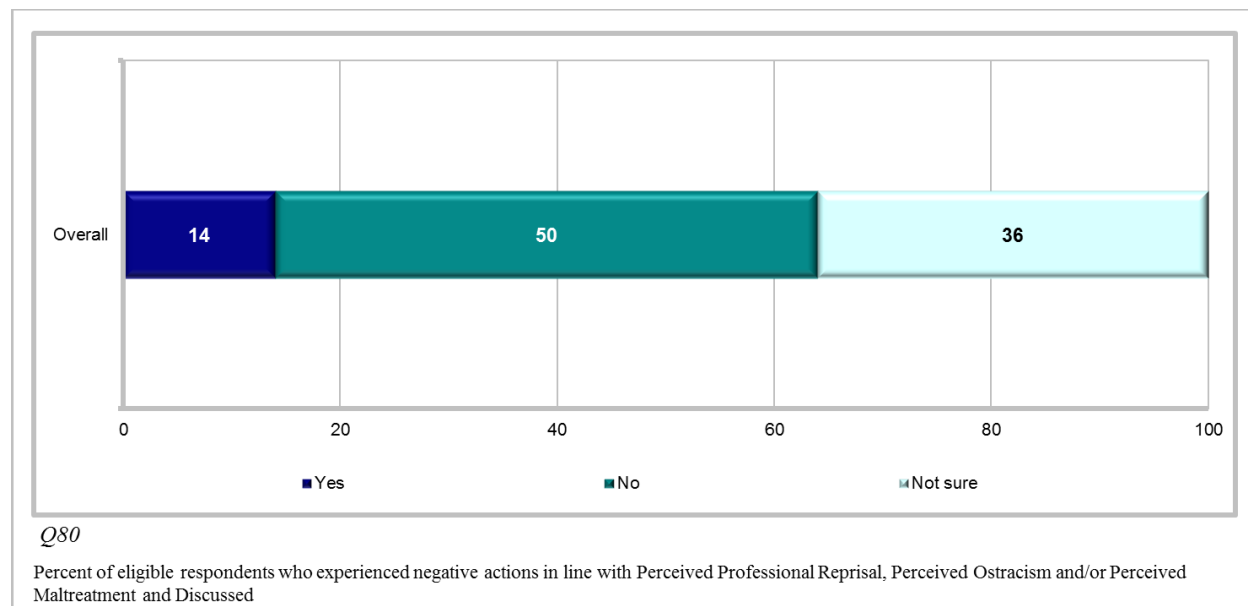
DoDI 6495.02 requires the Services and National Guard Bureau to review new and ongoing sexual assault cases each month within installation CMGs. In FY14, the Secretary of Defense instructed that CMGs also discuss allegations of retaliation, and directed they take action to refer such allegations to the appropriate agency for follow-up. This allows survivors who experience retaliation to receive services, and also provides CMGs better management opportunities of situations where retaliation may be occurring.

As seen in Figure 65, of respondents who experienced negative actions in line with *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment* and discussed these behaviors with friends, family, coworkers, professionals, a work supervisor, or anyone up their chain of command, 14% indicated *yes*, they agreed to bring their allegation to a Case

Management Group (CMG), whereas 50% indicated *no*, they did not agree to bring their allegation to a CMG, and 36% indicated they were *not sure*. The eligible number of respondents who answered the question is 72.

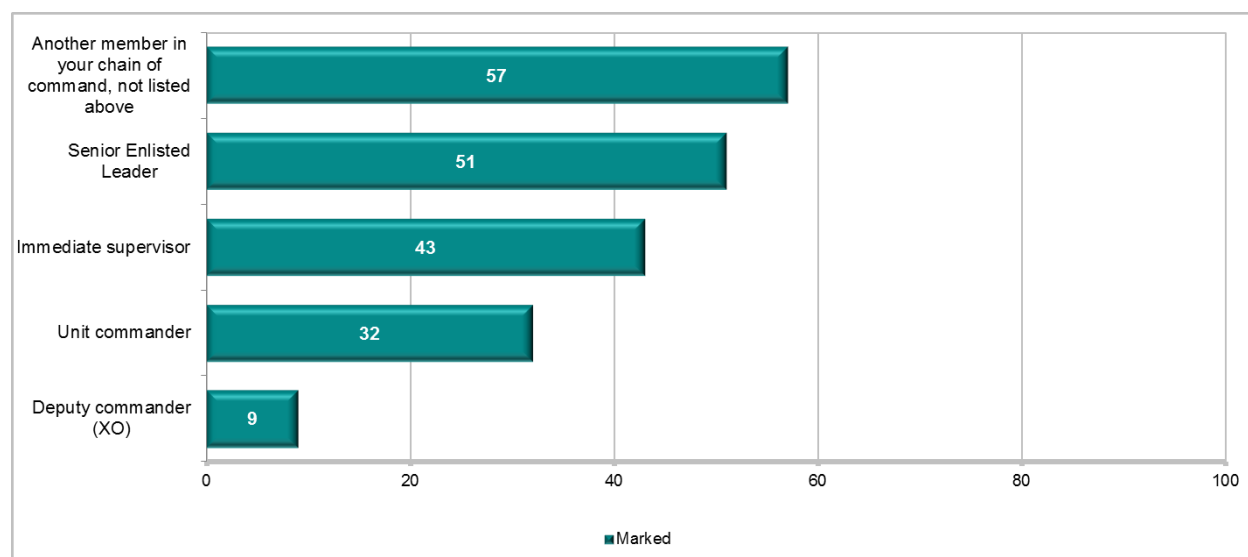
Figure 65.

Agreement to Bring Allegation to a Case Management Group (CMG) Following Discussion



Individual With Whom Behaviors Were Discussed With Expectation for Corrective Action

As seen in Figure 66, of respondents who experienced negative actions in line with *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment* and discussed these behaviors with a work supervisor or anyone up their chain of command with the expectation that some corrective action would be taken, 57% indicated they discussed the behaviors with *another member in their chain of command*, 51% indicated they discussed the behaviors with their *Senior Enlisted Leader*, 43% indicated they discussed the behaviors with their *immediate supervisor*, 32% indicated they discussed the behaviors with their *unit commander*, and 9% indicated they discussed the behaviors with the *deputy commander (XO)*. The eligible number of respondents who answered the question is 47.

Figure 66.***Individual With Whom Behaviors Were Discussed With Expectation for Corrective Action***

Q81

Percent of eligible respondents who took the survey and met criteria for *Perceived Professional Reprisal/Ostracism/Maltreatment* and Discussed With Expectation for Corrective Action. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Actions Taken in Response to Discussion With Expectation For Corrective Action

Data found in Table 9 are of respondents who are included in the *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment* rate who discussed these behaviors with a work supervisor or anyone up their chain of command with the expectation that some corrective action would be taken. Of these respondents, 52% indicated as a result of their discussion *they are not aware of any action taken by the person that they told*. Respondents also indicated as a result of their discussion, *the situation continued or got worse for them* (44%), *they were told/encouraged to drop the issue* (42%), *they got help dealing with the situation* (21%), *their leadership took steps to address the situation* (17%), and relatively few (2%) indicated that *the behavior(s) stopped on their own*. In summary, 29% of these respondents indicated they received help or assistance as a result of their discussion of these behaviors.

Table 9.***Actions Taken in Response to Discussion With Expectation For Corrective Action***

Actions Taken in Response to Discussion With Expectation For Corrective Action	Percent of Eligible Respondents Who Met Criteria For Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment
You are not aware of any action taken by the person that you told	52%
The situation continued or got worse for you	44%
You were told/encouraged to drop the issue	42%
You got help dealing with the situation	21%
Your leadership took steps to address the situation	17%
The behavior(s) stopped on their own	2%
<i>Eligible number of respondents</i>	48

Note. Q82. Percent of eligible respondents who took the survey, met criteria for *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment*, and discussed these behaviors with a work supervisor or anyone up their chain of command with the expectation that some corrective action would be taken. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Respondents Who Reported Experiencing Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment and Chose to File a Complaint

Data found in Table 11 are of respondents who are included in the *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment* rate and chose to file a complaint. As a result of filing complaint, respondents indicated *the situation continued or got worse for them, they were told/encouraged to drop the issue, or they were not aware of any action taken by the person that they told* (all 33%). Fewer respondents indicated that as result of filing a complaint, they got help dealing with the situation (28%), or *their leadership took steps to address the situation* (17%), whereas 6% indicated *the behavior(s) stopped on its own*.

Table 10.

Respondents Who Reported Experiencing Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment and Chose to File a Complaint

Respondents Who Reported Experiencing Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment and Chose to File a Complaint	Percent of Eligible Respondents Who Met Criteria For Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment
The situation continued or got worse for you	33%
You were told/encouraged to drop the issue	33%
You are not aware of any action taken by the person that you told	33%
You got help dealing with the situation	28%
Your leadership took steps to address the situation	17%
The behavior(s) stopped on its own	6%
<i>Eligible number of respondents</i>	18

Note. Q83. Percent of eligible respondents who took the survey, met criteria *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment*, and filed a complaint. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Respondents Who Reported Experiencing Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment and Chose Not to File a Complaint

Data found in Table 11 are of respondents who are included in the *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment* rate who reported they chose not to file a complaint. Of these respondents, reasons for choosing not to file a complaint included *they were worried that reporting would cause more harm to them than good* (67%), *they did not trust that the process would be fair* (66%), *they did not think anything would be done or anyone would believe them* (59%), *they did not want more people to know and/or judge them* (48%), *they did not know how to report it* (34%), *they were told/encouraged not to file a complaint* (24%), *some other reason* (17%), and very few respondents indicated that they chose not to file a complaint because *the person(s) stopped their behavior* (3%).

Table 11.

Respondents Who Reported Experiencing Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment and Chose Not to File a Complaint

Respondents Who Reported Experiencing Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment and Chose Not to File a Complaint	Percent of Eligible Respondents Who Met Criteria For Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment
You were worried that reporting would cause more harm to you than good	67%
You did not trust that the process would be fair	66%
You did not think anything would be done or anyone would believe you	59%
You did not want more people to know and/or judge you	48%
You did not know how to report it	34%
You were told/encouraged not to file a complaint	24%
Some other reason	17%
The person(s) stopped their behavior	3%
<i>Eligible number of respondents</i>	58

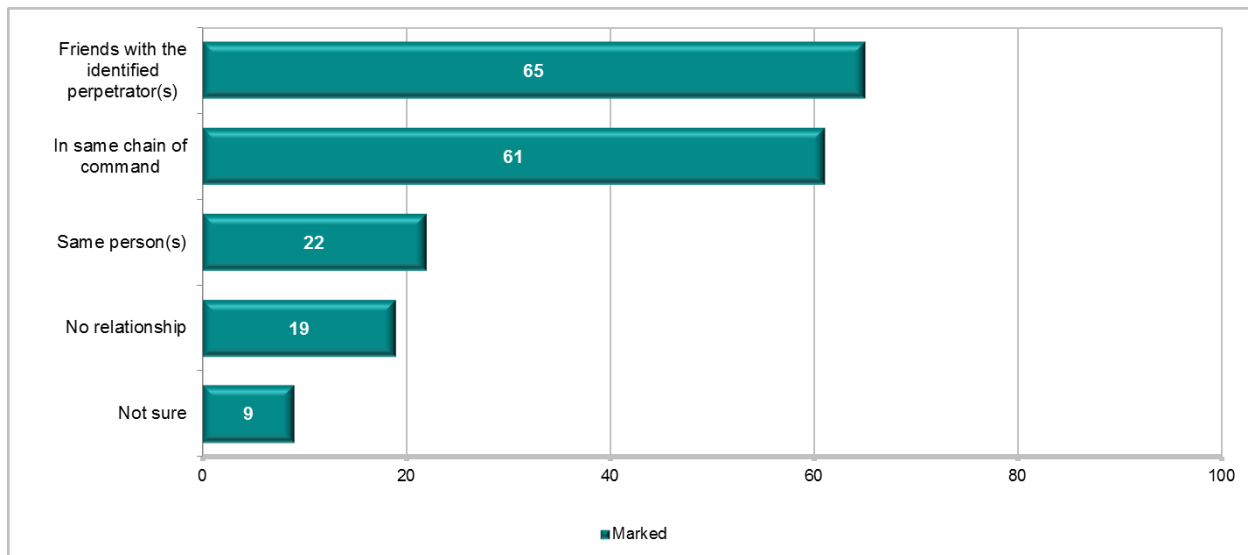
Note. Q84. Percent of eligible respondents who took the survey, met criteria *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment*, and did not file a complaint. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Relationship Between Individual(s) Who Took Actions and Offender in Report of Sexual Assault

Of interest to the Department, beyond who the individual(s) is who commits these negative actions, is their relationship, if any, to the alleged offender. Of respondents who are included in the *Perceived Professional Reprisal, Perceived Ostracism, and/or Perceived Maltreatment* rate, 65% indicated the individuals committing negative actions were *friends with the identified perpetrator(s)* and 61% indicated they were *in the same chain of command*, whereas 22% indicated the individual(s) was the *same person(s)* and 19% indicated there was *no relationship*. Fewer (9%) indicated they were *not sure* what type of relationship the individual(s) had with the alleged offender. The eligible number of respondents who answered the question is 79.

The percentages presented in this chapter reflect the respondents' perceptions about a negative experience associated with their reporting of a sexual assault and not necessarily a reported or legally substantiated incident of retaliation.

Figure 67.
Relationship Between Individual(s) Who Took Actions and Offender in Report of Sexual Assault



Q85

Percent of eligible respondents who took the survey and met criteria for *Perceived Professional Reprisal/Ostracism/Maltreatment*. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

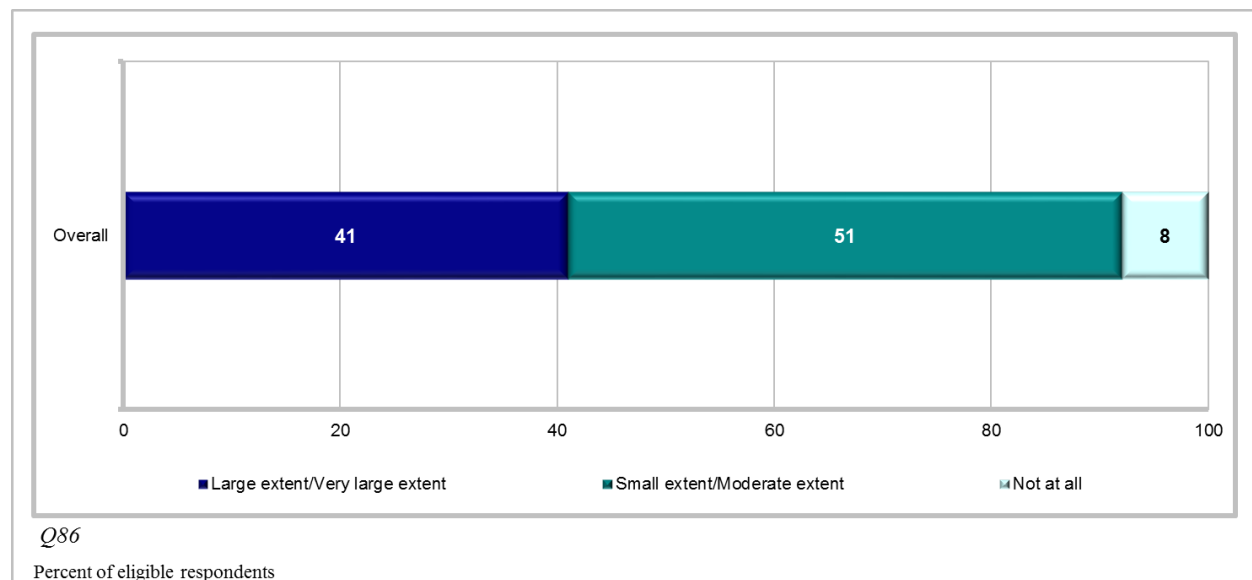
Chapter 5: Overall Military Justice Experience

This section provides information on the respondent's overall experience with the military justice process. This includes details on whether the respondent believed discretion was used in regards to their case (i.e., individuals involved in their case only shared information with people who needed to know), the official actions taken against the alleged perpetrator, their belief about the ease of and their preparedness for the military justice process, whether the respondent would suggest others report their sexual assault, and whether they requested and received an expedited transfer. Results are presented for respondents at the Total DoD level.

Extent Respondents Felt Up to Date on the Progress of the Case

Analysis of the 2015 MIJES revealed that some respondents did not feel that they had been kept up to date on the progress of their case. In response, the 2016 MIJES asked respondents to indicate the overall extent to which they felt that had been kept up to date on the progress of their case. As seen in Figure 68, 41% indicated during the military justice process they were kept up to date on the progress of their case to a *large extent/very large extent* and 51% indicated they had been kept up to date to a *small extent/moderate extent*, whereas 8% indicated they were *not at all* kept up to date on the progress of their case. The eligible number of respondents who answered the question is 221.

Figure 68.
Extent Respondents Felt Up to Date on the Progress of the Case

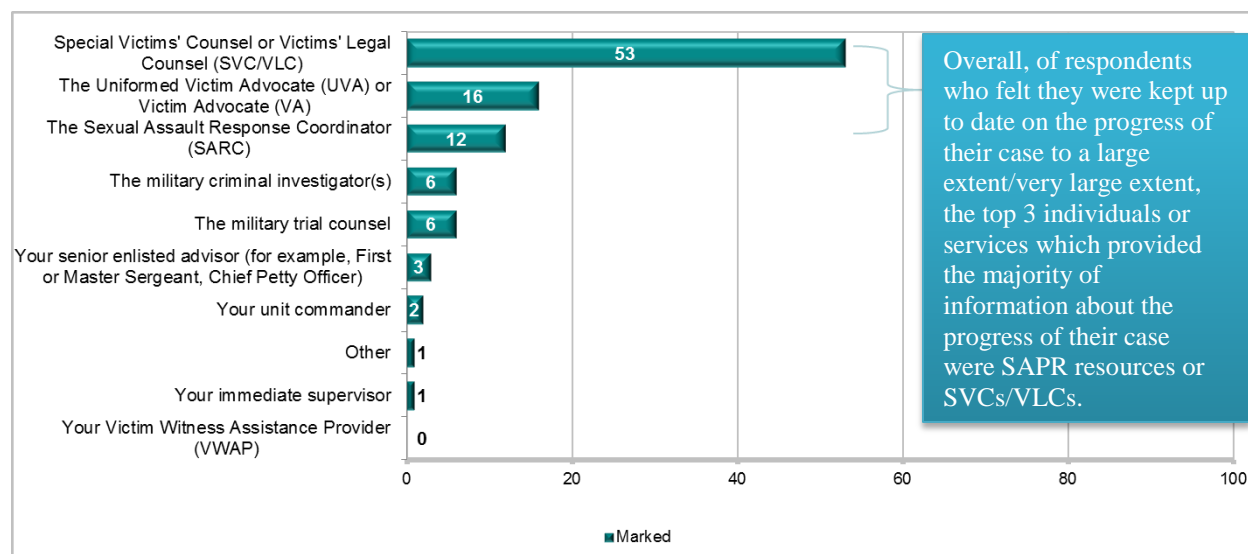


Individuals or Services Which Provided Majority of Information About the Progress of the Case

Respondents who indicated they felt they had been kept up to date on the progress of their case during the military justice process to a large extent/very large extent were asked which individuals or services provided them with the majority of that information. As seen in Figure 69, the top three individuals or services which provided the majority of information about the progress of their case were SAPR provided resources or SVCs/VLCs: 53% of these respondents indicated the SVC/VLC provided the majority of information about the progress of the case, 16% the UVA/VA provided the majority of information, and 12% indicated the SARC provided the majority of information. The eligible number of respondents who answered the question is 90.

Figure 69.

Individuals or Services Which Provided Majority of Information About the Progress of the Case



Q87

Percent of eligible respondents who felt they were kept up to date on the progress of their case to a large extent or very large extent.

Overall, 1% of respondents who indicated they had been kept up to date on the progress of their case during the military justice process to a large extent/very large extent indicated that another individual or service than the ones listed provided them with the majority of information about the progress of their case. These respondents were asked to specify the other individuals or services, however, as there were three respondents who chose to specify, themes are not reportable.

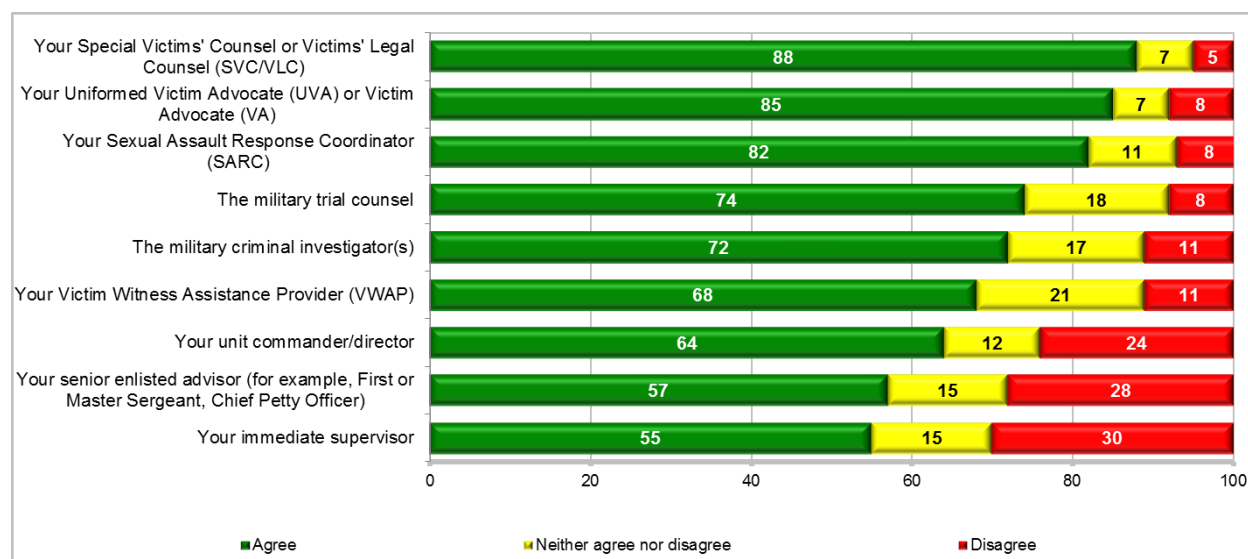
Assessment of Discretion Used

As seen in Figure 70, the majority of respondents indicated they **agreed** that *their Special Victims' Counsel or Victims' Legal Counsel (SVC/VLC; 88%), their Uniformed Victim Advocate*

(UVA) or Victim Advocate (VA; 85%), their Sexual Assault Response Coordinator (SARC; 82%), used discretion in sharing details of their case. Respondents indicated to a lesser degree that they **agreed** that the *military trial counsel* (74%), *the military criminal investigator(s)* (72%), *their Victim Witness Assistance Provider (VWAP; 68%), their unit commander/director* (64%), *their senior enlisted advisor (for example, First or Master Sergeant, Chief Petty Officer; 57%)* and *their immediate supervisor* (55%) used discretion.

Overall, respondents indicated they **disagreed** that *their immediate supervisor* (30%), *their senior enlisted advisor (for example, First or Master Sergeant, Chief Petty Officer; 28%), their unit commander/director* (24%), *their Victim Witness Assistance Provider (VWAP; 11%), the military criminal investigator* (11%), *the military trial counsel* (8%), *their Sexual Assault Response Coordinator (SARC; 8%), their Uniformed Victim Advocate (UVA) or Victim Advocate (VA; 8%),* and/or *their Special Victims' Counsel or Victims' Legal Counsel (SVC/VLC; 5%)* used discretion. The eligible number of respondents who answered the question ranges from 82-213. Results exclude those who indicated "Not applicable."

Figure 70.
Assessment of Discretion Used



Q88

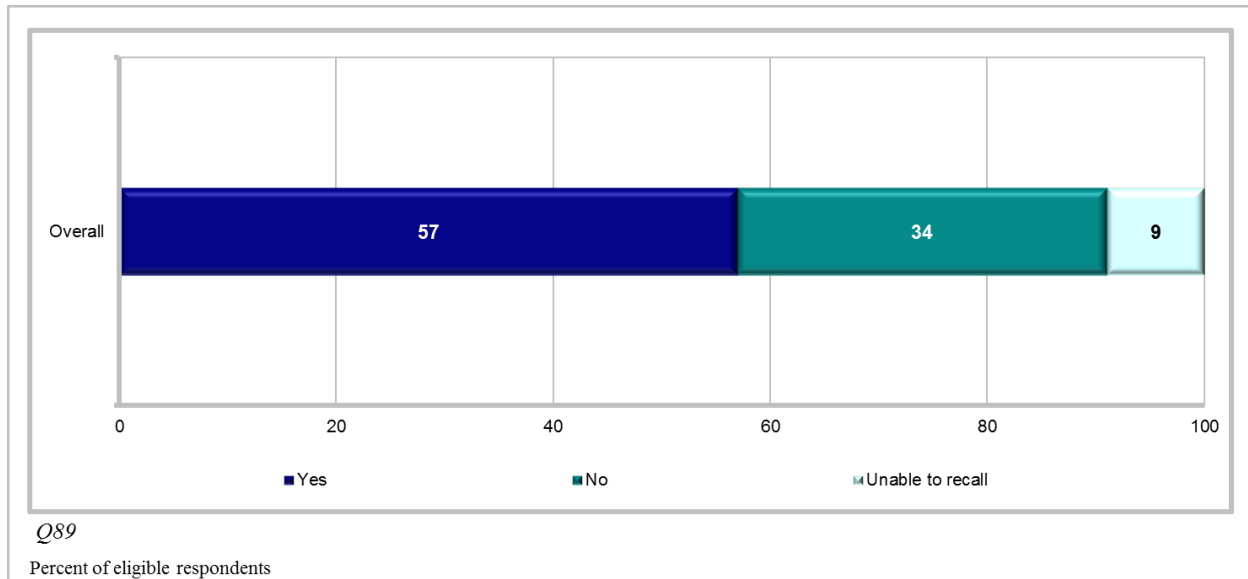
Percent of all respondents who took the survey.

Charges Preferred Against the Alleged Perpetrator⁴¹

As seen in Figure 71, overall, 57% of respondents indicated *yes*, charges were preferred against the perpetrator, whereas 34% indicated *no*, charges had not been preferred and 9% indicated they were *unable to recall*. The eligible number of respondents who answered the question is 221.

⁴¹ References to perpetrator/offender throughout this section should be interpreted as "alleged perpetrator" or "alleged offender" as without knowing the specific outcomes of particular allegations, the presumption of innocence applies unless there is an adjudication of guilt.

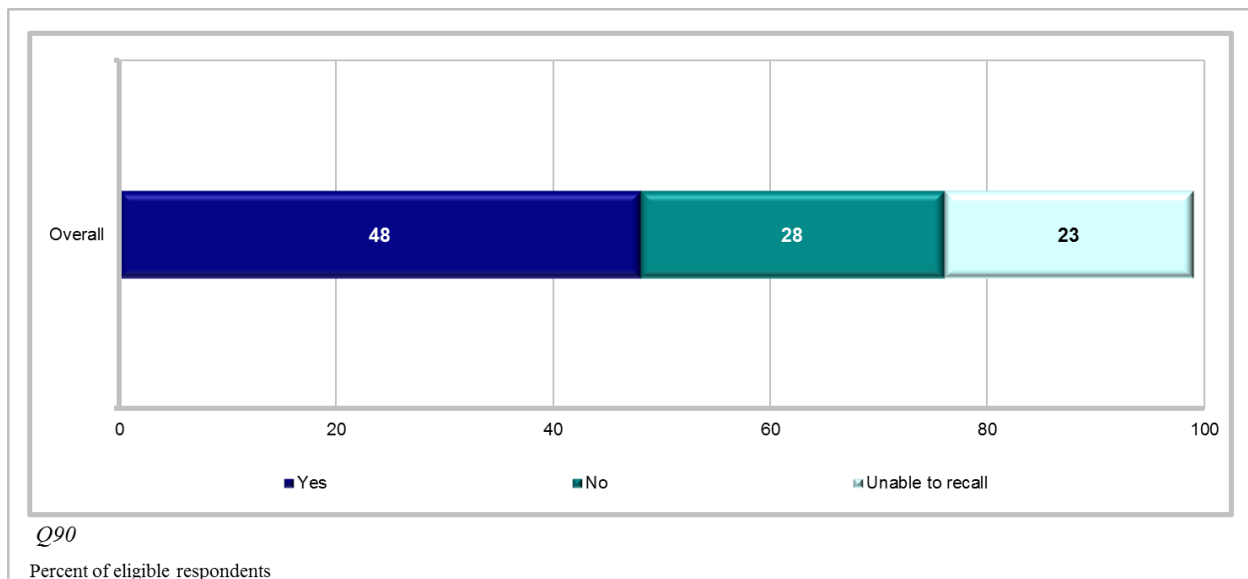
Figure 71.
Charges Preferred Against the Alleged Perpetrator



Article 32 Preliminary Hearing on Case

As seen in Figure 72, overall, 48% of respondents indicated *yes*, there was an Article 32 preliminary hearing on their case, whereas 28% indicated *no*, and 23% indicated they were *unable to recall*. The eligible number of respondents who answered the question is 219.

Figure 72.
Article 32 Preliminary Hearing on Case

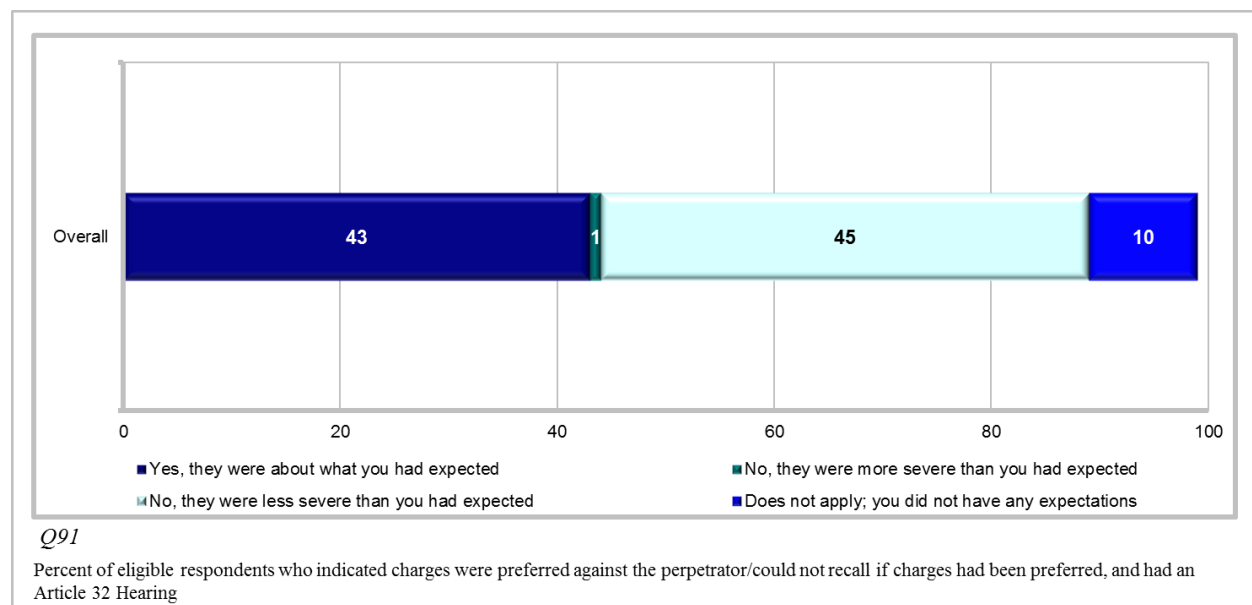


Satisfied With the Charges Preferred Against the Alleged Perpetrator

Respondents who indicated charges were preferred against the perpetrator or were not able to recall if charges had been preferred and indicated there was an Article 32 hearing on their case were asked whether they were satisfied with the charges that were preferred against the perpetrator. As seen in Figure 73, 43% of these respondents indicated *yes, the charges were what they had expected*, whereas 1% indicated *no, they were more severe than they had expected*, 45% indicated *no, they were less severe than they had expected*, and 10% indicated *they did not have any expectations*. The eligible number of respondents who answered the question is 86.

Figure 73.

Satisfied With the Charges Preferred Alleged Against the Perpetrator

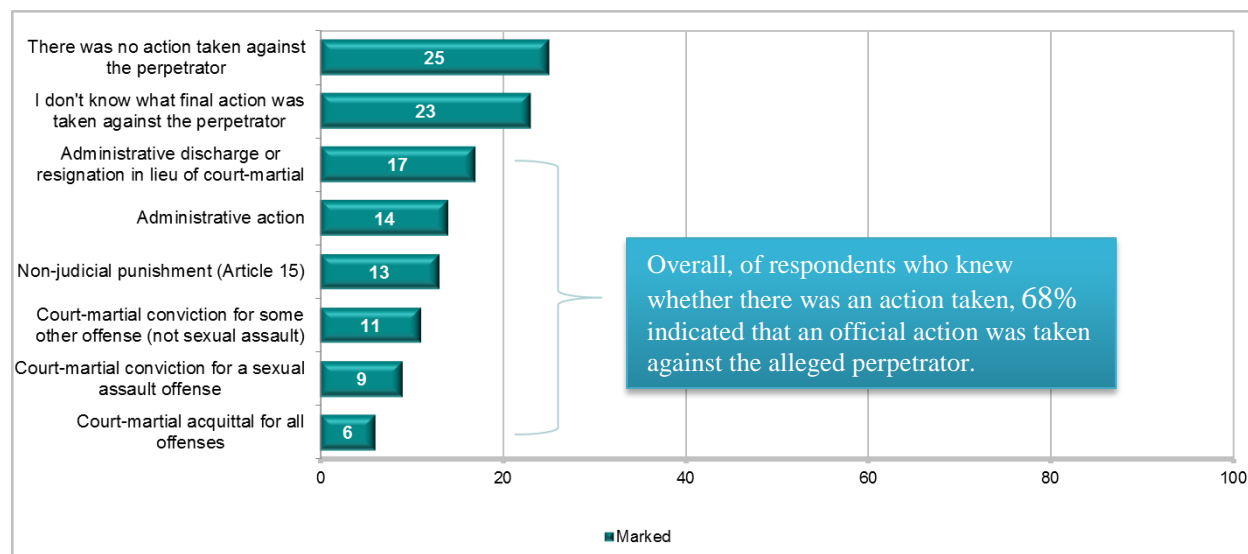


Perceived Action(s) Taken Against the Alleged Perpetrator

As seen in Figure 74, overall, 25% of respondents indicated there was *no action taken against the perpetrator* and 23% indicated they *did not know what final action was taken against the perpetrator*. Other respondents indicated the official action(s) taken against the alleged perpetrator included *administrative discharge or resignation in lieu of court-martial (Chapter 4, Discharge in Lieu of Court Martial [DILO]/Resignation in Lieu of Court Martial [RILO]; 17%); administrative action (for example, Letter of Counseling [LOC], Letter of Admonishment [LOA], Letter of Reprimand [LOR]; 14%); non-judicial punishment (Article 15; 13%); court-martial conviction for some other offense (not sexual assault; 11%); court-martial conviction for a sexual assault offense (9%); and/or court-martial acquittal for all offenses (6%)*. Overall, 68%

of respondents who knew if action had been taken indicated that an official action was taken against the alleged perpetrator.⁴² The eligible number of respondents is 218.

Figure 74.
Perceived Action(s) Taken Against the Perpetrator



Q92

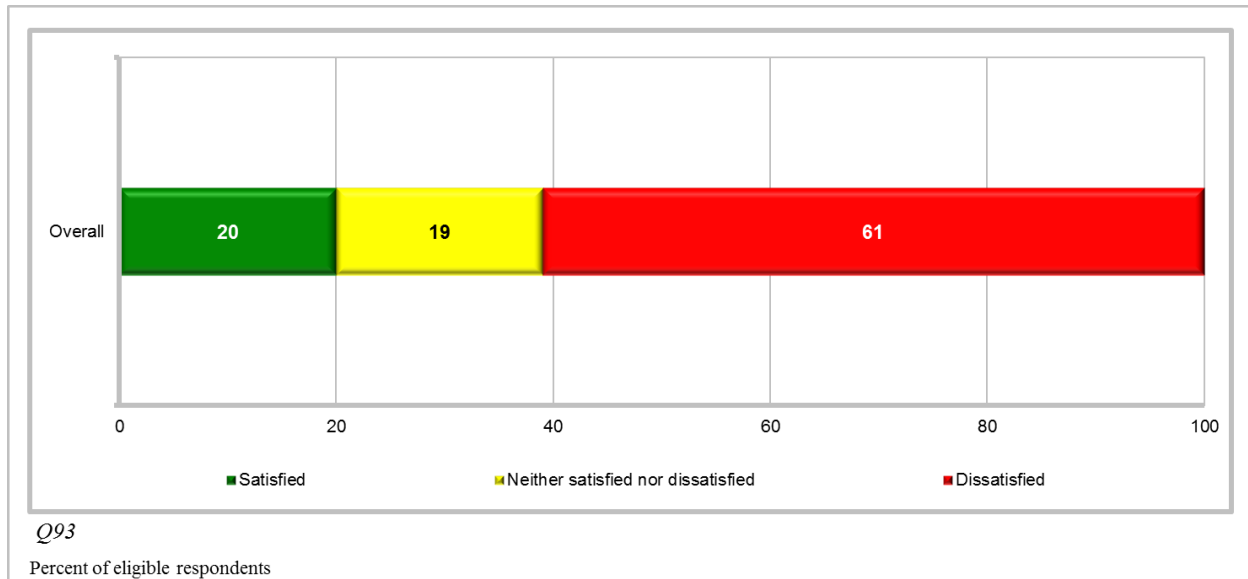
Percent of all respondents who took the survey. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

Satisfaction With Official Action(s) Taken Against the Alleged Perpetrator

As seen in Figure 75, 20% of respondents indicated that they were *satisfied* with the official action(s) taken against the alleged perpetrator, whereas 61% indicated that they were *dissatisfied*. The eligible number of respondents who answered the question is 219.

⁴² This percentage is out of those respondents who knew whether there was an official action taken, therefore percentages in chart will not add up to 68%.

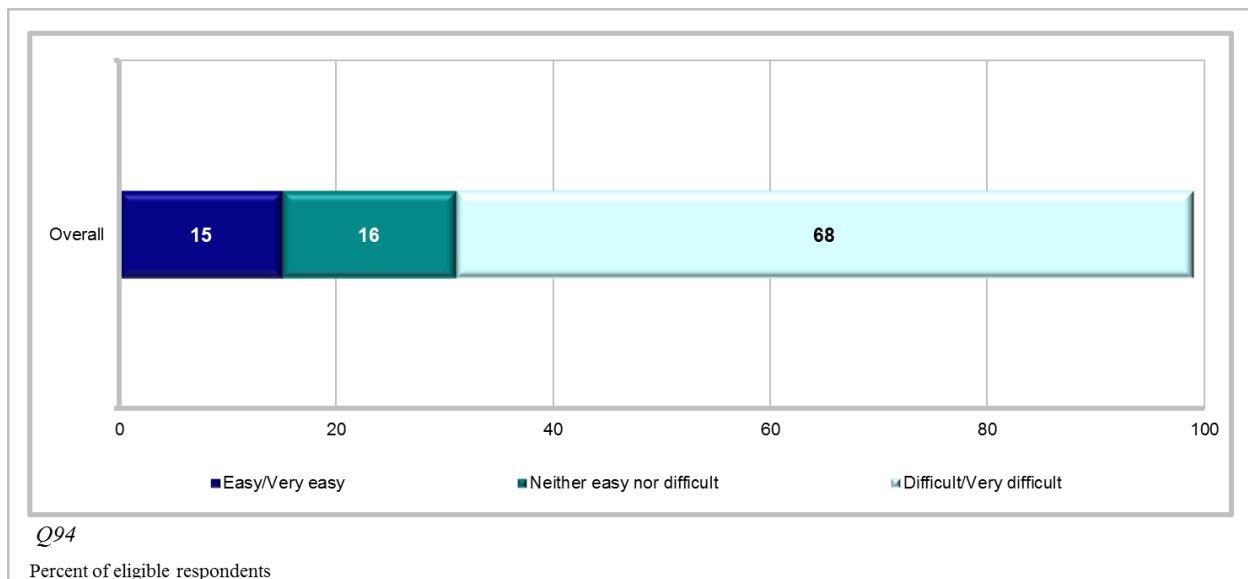
Figure 75.
Satisfaction With Official Action(s) Taken Against the Alleged Perpetrator



Ease of Military Justice Process

As seen in Figure 76, 68% indicated they felt the military justice process was *difficult/very difficult*, whereas 15% indicated that the process was *easy/very easy*. The eligible number of respondents who answered the question is 220.

Figure 76.
Ease of Military Justice Process



Helpful Resources During Challenging Times

Overall, 68% of respondents indicated that the military justice process was difficult or very difficult. These respondents were asked what helped them the most during the challenging times. Of these respondents, 135 indicated a variety of supports that helped them through the military justice process during challenging times. Three of the most frequently mentioned services and groups that helped were their *family and friends*, the *SVC/VLC*, and *mental health providers and counselors*. Examples of these top three groups include the following quotations.

Family and friends

- *“My friends who I could trust helped me through emotionally and my personal courage to ignore all the negativities around me. I felt like I was alone and I could not trust anyone but few.”*
- *“Honestly the only thing that helped me was my family; no other support offered was helpful to me.”*
- *“Support group of friends that I could talk to.”*
- *“Having family as my support and having a few friends that knew what was happening that gave me support.”*

SVC/VLC

- *“Victims legal counsel; I knew that he had my back when my chain of command did not.”*
- *“Having a SVC that actually cared about my well-being and my case was the only support system throughout the justice system.”*
- *“My VLC was most helpful, always maintaining contact with me, and making sure that I was in a good place (mentally) and taking care of myself.”*
- *“I would have to say my SVC helped me the most, in getting myself out of the extremely toxic and debilitating work environment.”*

Mental health providers and counselors

- *“At my next and current duty station, the mental health providers have been tremendously helpful in giving me a peace of mind and guidance on the process and helped me find closure.”*
- *“The availability to go to Behavior Health.”*
- *“The thing that helped me the most was the Fleet and Family Center. I was attending therapy sessions there.”*

Of note, several respondents also indicated that *nothing* was able to help them. Examples of this are provided in the following quotations:

Nothing

- *“Nothing. The entire process was extremely stressful, uninformative. No one helped with anything and I still don’t know what happened.”*
- *“Nothing! I was left to fend for myself. All of my ‘friends’ abandoned me. Leadership was terrible and made their disdain for me public.”*
- *“There was nothing that helped me.”*

Overall, 15% of respondents indicated that the military justice process was easy or very easy. These respondents were asked to specify what helped make the process easier for them. Of these respondents, 31 indicated a variety of supports that helped make the military justice process easier. The most frequently mentioned groups included the *SVC/VLC*, which was also one of the top cited resources for those who found the military justice process difficult or very difficult, as well as *SAPR services* (e.g., UVA/VA, SARC). Respondents also indicated that *staying informed* about their case made the process easier. Examples of these top three groups include the following quotations:

SVC/VLC

- *“Hav[ing] the VLC and the support of the SARC was the most helpful. I would not have taken my report from restricted to unrestricted without the VLC. I felt comfortable that my interests were being looked after and that I understood what could happen because of the VLC.”*
- *“My SVC was the most amazing legal representative in and out of the court room.”*

SAPR services

- *“Having my Victim Advocate with me every step of the way. He made sure I was okay and that all my needs were met, and also made sure to keep me up to date on everything that happened.”*
- *“The cooperation of the SARC personnel, AFOSI, Victim Advocate, and SVC. These individuals kept me up to date, made sure my well-being was at the forefront of the investigation, and kept the discretion private even though it was an unrestricted report. I commend them all on their expertise and professionalism.”*

Staying informed

- *“Being informed throughout the process, though not consistently, but enough to keep my updated on what was going on really helped.”*
- *“The fact that I was aware of everything going on. The communication between myself and the others that were involved with my case.”*

Most Helpful Resources Received During Military Justice Process

All respondents were asked to specify which services they found to be most useful to them during the military justice process and indicated a variety of services that were found to be the most helpful during the military justice process. Similar to the prior section, the most frequently mentioned services indicated to be the most helpful were the SVC/VLC, the SARC, and the UVA/VA, as well as *mental health providers*. Examples of these top themes include the following quotations:

SVC/VLC

- *“The SVC was incredible. I cannot thank him enough for the work that he did.”*
- *“The absolute most helpful service throughout the entire ordeal was my SVC. He was the only person in the entire system that was worth while and had even an ounce of empathy.”*
- *“The SVC especially helped encourage me to make the report because I felt more at ease knowing that there was somebody on my side to help me with all of the legal aspects of the case.”*
- *“My SVC. He helped me through the entire process, was understanding and caring, and ultimately was on my side when everyone else wasn’t.”*
- *“Victim legal counsel—they had the most answers.”*

SARC

- *“I found my SARC to be the most helpful. She even made herself available to answer my questions while on vacation.”*
- *“MY SARC was phenomenal.”*
- *“The SARC office was amazing and very comforting during the whole process.”*
- *“I found that the monthly updates from the SARC and my unit [ORANK] were most helpful. I know everyone is busy and it’s a hassle to do that every month but it really meant a lot to me while I was going through the investigation and waiting for it to be over.”*

UVA/VA

- *“The availability of my Victim Advocate was the most/only helpful service.”*
- *“My initial Victim Advocate who was there when I was being treated. Whenever I needed her, she was there.”*
- *“My VA was very supportive and moved quickly on my behalf, and she did not judge me... very encouraging.”*
- *“I appreciated how the VA could be the only person I talk to. It took away a lot of stress and re-hashing everything to multiple people.”*
- *“My civilian Victim Advocate, and all her support is what kept me going, when I wanted to quit.”*

Mental health providers

- *“The SARC referred me to a therapist immediately following the assault. She was phenomenal and made the recovery process much smoother.”*
- *“Being able to see a counselor to help me find outlets for my anger, and ways to cope with my depression.”*
- *“Being able to go to Behavior Health to speak to someone about how I was feeling.”*
- *“Counseling; the only time I wasn’t worried about something happening to me.”*

Of note, several respondents also indicated that *nothing* was helpful. Examples of this are provided in the following quotations:

Nothing

- *“Nothing. There was no update on the case and I was told months later that the case was closed without updating on the result.”*
- *“None of them. I found NONE of them to be helpful.”*
- *“I found nothing to be helpful to me. I was treated terrible throughout the process, and moved to a new unit where they were instructed to continue the terrible treatment. There was no justice for me and I fear that I am not the only one who had an experience like that or will be the only one in the future.”*
- *“Nothing, I felt like the person in the wrong.”*
- *“I don’t feel like I got all the help I could have gotten because I PCS’d.”*
- *“I did not find many of the services provided from the military during the military justice process helpful.”*
- *“I do not think any service was helpful. [There] were a lot of questions that went unanswered and I was left in the dark concerning my case and the process. I also did not receive a lot of support which left me feeling overwhelmed.”*

Least Helpful Resources Received During the Military Justice Process

All respondents were asked to specify which services they received during the military justice process were found to be least useful to them and indicated a variety of services that were found to be the least helpful during the military justice process. The most frequently mentioned services indicated to be the least helpful were members of their *command* (e.g., leadership, supervision) and the *military criminal investigator*. Examples include the following quotations:

Command

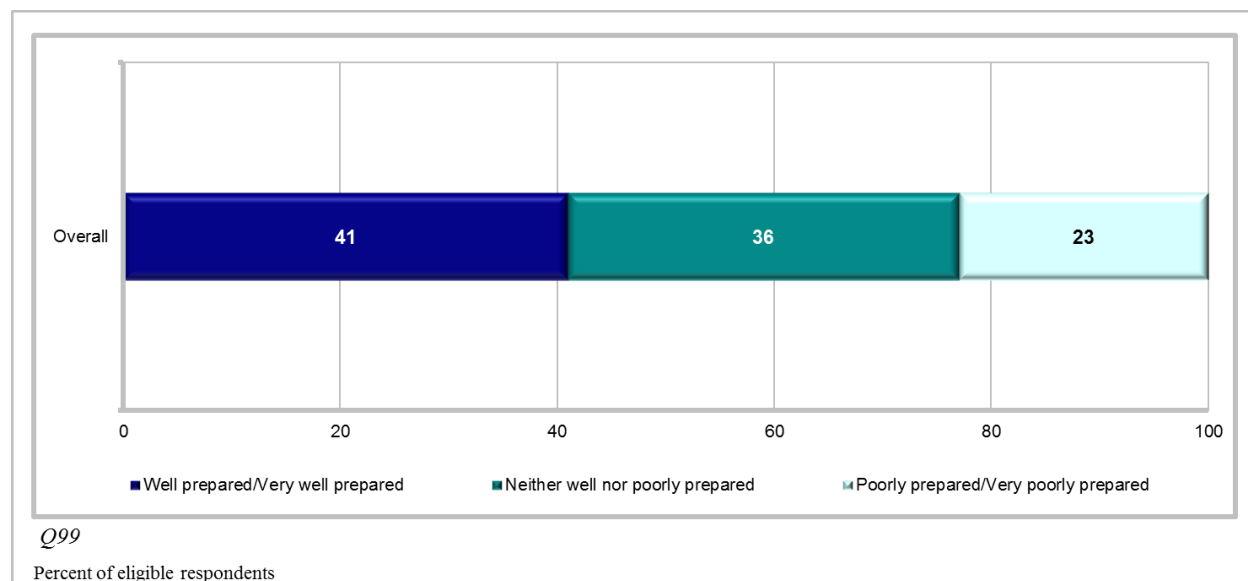
- *“Being told to ‘get over it’, ‘it could be a lot worse,’ and to ‘stop using sexual assault as a crutch’ by command.”*
- *“My chain of command handled everything so poorly. The way they intimidated me shortly after the incident really messed up all the events following.”*
- *“My entire chain of command was not helpful.”*
- *“Not so much a ‘service,’ but my squadron leadership was so uneducated and inexperienced in the SA realm that it damaged the entire squadron.”*

Military criminal investigator

- “The NCIS agent assigned to my case was very judgmental and I believe her opinions undermined her reports and the overall investigation.”
- “CID, one CID agent said ‘She’s lying, it didn’t happen’ They didn’t believe me from the start, I didn’t want to report, but I just couldn’t live with myself if I didn’t.”
- “Talking to the investigators. They were extremely intimidating and I got the feeling they were judging me. They weren’t nice at all.”
- “My investigator was rude in the extreme, belittled my experience, and believes that over 70% of sexual cases are lies.”

Preparedness for the Military Justice Process

As seen in Figure 77, 41% of respondents indicated that based on the services provided, they felt *well prepared/very well prepared* for the military justice process, whereas 23% felt *poorly prepared/very poorly prepared*. The eligible number of respondents who answered the question is 219.

Figure 77.***Preparedness for the Military Justice Process***

The 23% of respondents who indicated that they were *poorly prepared* or *very poorly prepared* for the military justice process were asked to specify what could have helped to better prepare them and indicated a variety of things that could have helped to better prepare them for the

military justice process. The most frequently mentioned aspects that could potentially have helped to better prepare respondents for the military justice process include *better explanation of the military justice process and their rights*, and *better support* overall. Examples of these top aspects include the following quotations:

Better explanation of the military justice process and their rights

- *“I think that whenever a Soldier files an unrestricted report that they should be given information on how the justice process works, and about how much time each leg of the journey takes. When I filed my report I had no idea what would happen next. A flow chart would be so helpful.”*
- *“A class explaining the painful process.”*
- *“While SHARP classes discuss how to file a report, they rarely delve into what it is like to make a report and the commitment that comes with it. At many points in time, the process was so painful and I wished I could go back and not make a report.”*
- *“Knowing my rights as a person who was going through with an unrestricted complaint. I found that I was unprepared for how I would be question[ed] and portrayed during the proceedings.”*

Better support

- *“Support and having more information with the process of my case. I did not have support from my leadership nor SARC. I do not feel like I had any support all around which led to me dropping the case because it was all becoming overwhelming.”*
- *“More support from the command and VA.”*
- *“Have leadership that actually cared about the process.”*

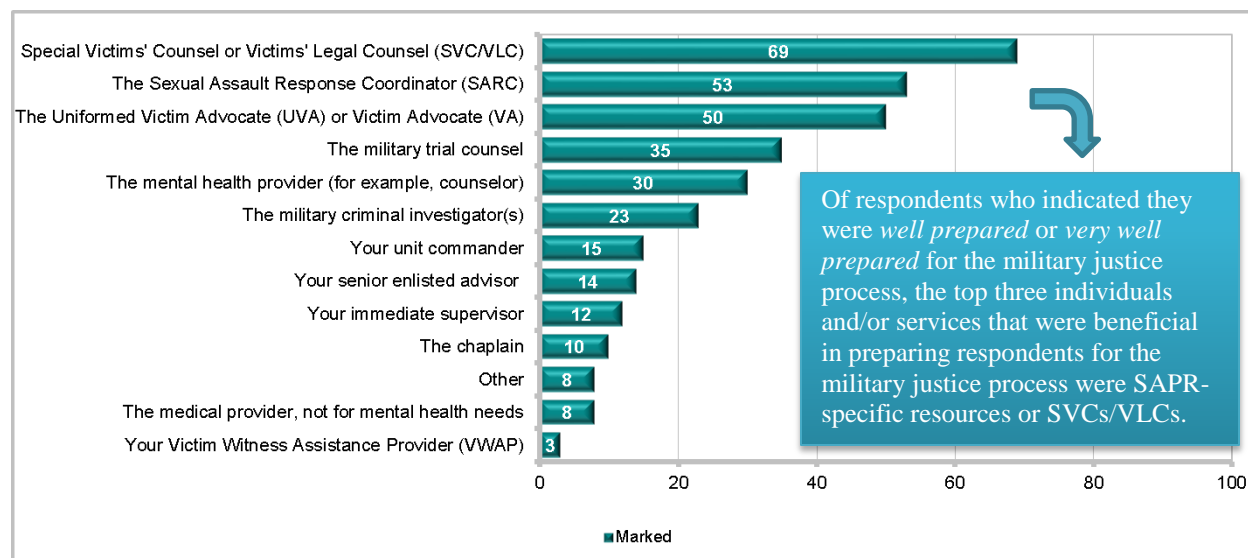
Individuals and/or Services Beneficial in Preparing for the Military Justice Process

As seen in Figure 78, respondents who indicated they were *well prepared* or *very well prepared* for the military justice process were asked who was beneficial in preparing them for the military justice process. Overall, 69% indicated the *Special Victims’ Counsel or Victims’ Legal Counsel (SVC/VLC)*, 53% indicated the *Sexual Assault Response Coordinator (SARC)*, 50% indicated the *Uniformed Victim Advocate (UVA) or Victim Advocate (VA)*, 35% indicated the *military trial counsel*, 30% indicated the *mental health provider (for example, counselor)*, 23% indicated the *military criminal investigator(s)*, 15% indicated *their unit commander*, 14% indicated *their*

senior enlisted advisor (for example, First or Master Sergeant, Chief Petty Officer), 12% indicated their immediate supervisor, 10% indicated the chaplain, 8% indicated another individual or service, 8% indicated the medical provider, not for mental health needs (for example, someone from a military medical treatment facility or civilian treatment facility), and 3% indicated their Victim Witness Assistance Provider (VWAP) were beneficial in preparing them for the military justice process. Eligible number of respondents who answered the question is 86.

Figure 78.

Individuals and/or Services Beneficial in Preparing for the Military Justice Process



Q100

Percent of eligible respondents who took the survey and indicated they were well prepared or very well prepared for the military justice process. Respondents were allowed to mark more than one option, and therefore, the sum of subitems does not equal 100%.

As seen in Figure 78, 8% of respondents indicated they were *well prepared* or *very well prepared* for the military justice process and were supported by some other resource. These respondents were asked to specify what other individuals and/or services were beneficial in preparing them for the military justice process and indicated a variety of individuals and/or services that were beneficial in preparing them for the military justice process, other than the resources listed for them in the question text. The most frequently mentioned “other” individuals and/or services were their *family and friends*. Examples of these include the following quotations:

Family and friends

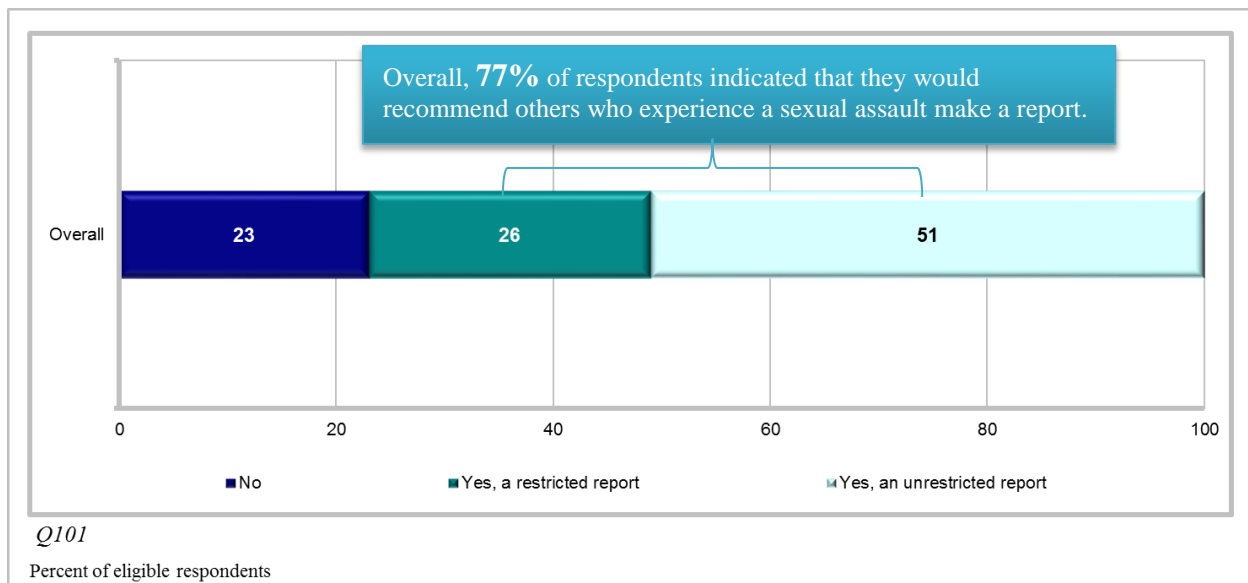
- “Husband.”
- “My friends and family, but also some supervision that really helped me get through this.”
- “My husband helped me cope with my anxiety.”
- “Family and Friends.”

Would Recommend Others Who Experience a Sexual Assault Make a Report

As seen in Figure 79, when asked whether they would recommend to another survivor to make a report, 51% of respondents indicated *yes, an unrestricted report*, 26% indicated *yes, a restricted report*, and 23% indicated *no*. Eligible number of respondents who answered the question is 213.

Figure 79.

Would Recommend Others Who Experience a Sexual Assault Make a Report



Opportunities to Help Future Military Members Who Bring Forward a Report of Sexual Assault Through the Military Justice Process

All respondents were asked to specify what the DoD could do to help future military members through the military justice process and they suggested a variety of ways that the Department could employ to help future military members through the military justice process. The most recommended course of action for the Department is *training*, specifically training which

encompasses the unit level, command and leadership, investigators, trial team, and other members working on sexual assault issues.

Improve training

- *“Train our senior leaders. I’ve seen [ORANK] make or break a case, by their influence alone. We need to train them on common traits of perpetrators (like that they’re often very well-liked Soldiers), how not to victim blame, and how to take care of Soldiers that they may not like (since this is such a common occurrence).”*
- *“The DoD needs to make it very clear to their employees that sexual assault is not the fault of the victim. DoD needs to train their military criminal investigators to better handle a victim of sexual assault. They can be unbiased and show compassion, there is no reason why the victim should feel like they are the perpetrator. It’s already horrific enough to experience a sexual assault without having to be treated like you’re a criminal for reporting your assault.”*
- *“Military lawyers need more experience in court cases, they’re all afraid of trying a case because they’re afraid to have a loss on their record.”*
- *“Better educate military members and leadership of how to handle and support airmen going through the military justice process.”*
- *“Provide more training to military lawyers.”*
- *“Make sure the NCIS agents handling the cases have better sensitivity training when it comes to dealing with victims of sexual assault.”*

Other recommendations include *enforcement of confidentiality and discretion, offering legal assistance outside of the military justice process, keeping the survivor informed about the progress of their case, and making the whole process faster.*⁴³

Expedited Transfer

Military members who make an unrestricted report of sexual assault have the option to request an expedited transfer to another unit/installation. Per policy, military members who make a report should be informed of this option by their SARC or UVA/VA at the time they make their report. This request may extend to either a temporary or permanent expedited transfer from their assigned command or installation to a different command or installation, or a temporary or

⁴³ Further analysis of these findings is presented in Chapter 6.

permanent expedited transfer to a different location within their assigned command or installation.⁴⁴

Received an Expedited Transfer

43% of respondents indicated that they requested and received an expedited transfer as a result of their report of sexual assault.

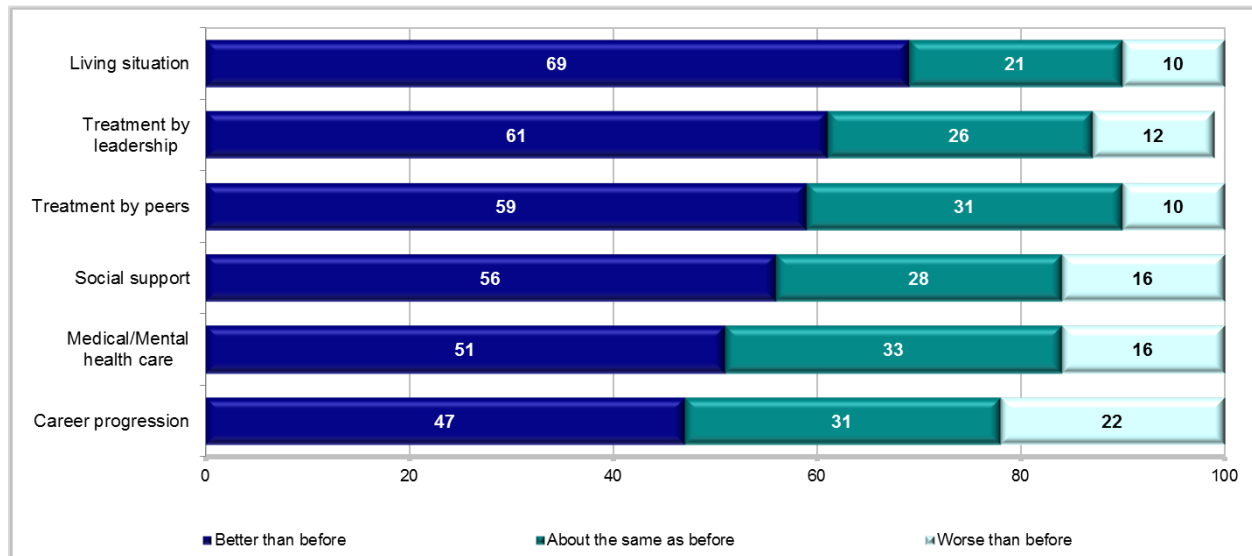
The eligible number of respondents who answered the question is 218. The remaining items in this section are of this 43%.

Aspects of Life Following Expedited Transfer

As seen in Figure 80, of respondents who requested and received an expedited transfer, compared to the time before they were transferred, their *living situation* (69%), *treatment by leadership* (61%), *treatment by peers* (59%), *social support* (56%), *medical/mental health care* (51%), and their *career progression* (47%) were **better** than before. Of respondents who requested and received an expedited transfer, compared to the time before they were transferred, their *career progression* (22%), *medical/mental health care* (16%), *social support* (16%), *treatment by leadership* (12%), *treatment by peers* (10%), and their *living situation* (10%) were **worse** than before. The eligible number of respondents who answered the question ranges from 85-91. Results exclude those who indicated “Not applicable.”

⁴⁴ 32 CFR 105.4 - Policy.

Figure 80.
Aspects of Life Following Expedited Transfer



Q104

Percent of eligible respondents who took the survey and received an expedited transfer.

Chapter 6: Additional Analysis

The *MIJES* is a valuable tool for understanding survivors' experiences in order to make improvements to the military justice process. Qualitative analysis of open-ended questions on the *2016 MIJES* revealed recommendations for opportunities to help future military members who bring forward a report of sexual assault through the military justice process. In response to these recommendations, additional analyses were performed to gain better insight into respondents' experiences with the military justice process. This chapter describes analyses performed on items that might be beneficial to the Department to better understand the types of experiences respondents have and the impact these particular influences play in determining how members who make a report of sexual assault feel about the military justice process. Estimates reported in this chapter will reflect a "merged" dataset combining parallel data from the *2016 MIJES* and *2015 MIJES* administrations. The merged dataset not only provides a larger sample to analyze, but allows for more in-depth observation of differences between fiscal years.

Military members represented in the *2016 MIJES* may have made a report any time between October 2013 and March 2016. In this chapter, findings will be presented by fiscal year as they provide a more complete picture for the Department to use. The combined analysis is out of 593 respondents, and a full breakout of demographics is provided in Table 12. However, all differences between fiscal years should be interpreted with caution as they are only averages of responses from military members who chose to participate in the survey. As data in the survey were not scientifically weighted, statistical calculations should be interpreted with caution as they are not generalizable to the population. All statistical analyses were performed using SAS® and confirmed using Stata®. All statistical tests were compared against a p value of .05.

Table 12.

Number of Eligible Respondents by Reporting Category for 2015 MIJES and 2016 MIJES Administrations

	<i>2015 MIJES Count</i>	<i>2015 MIJES Percent</i>	<i>2016 MIJES Count</i>	<i>2016 MIJES Percent</i>	<i>Combined Count</i>	<i>Combined Percent</i>
Total DoD	323	100%	225	100%	548	100%
Gender						
Men	39	12%	22	10%	61	11%
Women	284	88%	201	89%	485	89%
Service/Component						
Army	107	33%	77	34%	184	34%
Navy	72	22%	44	20%	116	21%
Marine Corps	31	10%	24	11%	55	10%
Air Force	102	32%	68	30%	170	31%
National Guard	9	3%	10	4%	19	3%
Age						
24 Years Old and Younger	132	41%	80	36%	212	39%
25-33 Years Old	146	45%	107	48%	253	46%
34 Years Old and Older	45	14%	37	16%	82	15%
Time When Report Was Made						
Pre-FY14	134	41%	21	9%	155	28%
FY14	152	47%	87	39%	239	44%
FY15	34	11%	99	44%	133	24%
FY16	NA	NA	16	7%	16	3%

Note. Some reporting category percentages may not add up to 100% due to item nonresponse and/or rounding. Respondents who were not currently uniformed military members, whose report did not result in a criminal investigation by an MCIO, whose alleged perpetrator was not a military member, and who chose not to participate in the investigation or military justice process were ineligible (2015 MIJES Q1, Q10, Q11, Q14; 2016 MIJES Q1, Q10, Q11, Q16).

Decision to Recommend to Others to Make a Report

One question of interest to the Department is whether the respondent would recommend to another survivor to make a report, either restricted or unrestricted. This item can be perceived as an overall barometer for how well the Department is doing and the effectiveness of the investigative and military justice process. In both survey administrations, **77%** of respondents indicated they would recommend others who experience a sexual assault to make a report. As this item is potentially a useful gauge for satisfaction with the military justice process, ad hoc analyses were performed on it to investigate the impact of specific topics, particularly those

discussed in open-ended comments where respondents were asked to specify what the Department could do to help future military members through the military justice process.

Speed of Military Justice Process

One recommendation made, in both survey administrations, was for the Department to improve the military justice process by **making the whole process faster**.

“Let the process be faster so there isn’t a long drawn out process constantly reminding you of what happened... I want it over with.”

“Make the investigation go faster/smoothen... The longer the investigation takes, the longer the entire process takes and the worse it is for the victims, the harder it is for them to move on.”

Measuring how long the full military justice process takes for respondents is somewhat difficult as OPA strives to maintain the anonymity of each respondent. As described in Chapter 2, respondents were asked to indicate the time frame that most accurately represents when they reported their sexual assault. For the 2015 and 2016 survey administrations, respondents could indicate that their report was made *between 1 October 2015–30 September 2016* (FY16), *between 1 October 2014–30 September 2015* (FY15), *between 1 October 2013–30 September 2014* (FY14), and *before 1 October 2013* (pre-FY14).

The time frame in which a case is entered into DSAID (which is an inclusion criterion for the survey) serves as a rough estimate for when a case was closed, though there may be a delay in entering this information into DSAID, and OPA cannot independently assure that information is entered immediately after the case is closed. However, for the purposes of this analysis, to determine an estimate for the overall speed of the military justice process, the time frame for when the respondent indicated making their initial report was compared to survey administration year.

As seen in Table 13, overall speed of the military justice process was broken into three categories: fast, moderate, and slow. Cases that began more than two years prior to entry into DSAID are classified as **slow** resolution and account for **242** cases between the 2015 and 2016 administration (3 cells highlighted in red); cases that began a year prior to entry into DSAID are classified as **moderate** resolution and account for **251** cases (2 cells highlighted in yellow); cases that began and resolved within a year are classified as **fast** resolution and account for **50** cases (2 cells highlighted in green).

Table 13.
Number of Respondents for Survey Administration Year, by Time When Report Was Made

	Pre-FY14	FY14	FY15	FY16
2015 MIJES	134	152	34	NA
2016 MIJES	21	87	99	16

Figure 81 displays estimates for respondents who indicated they would recommend to a survivor to make a report by the speed of their military justice process. Overall, the choice to recommend does not appear to vary by speed of case resolution; 79% of respondents who had a fast case resolution would recommend reporting, whereas 78% who had a moderate case resolution and 76% who had a slow case resolution would recommend reporting. Chi square analysis confirmed that there was no association between the speed of the military justice process and the decision to recommend to another survivor to report $X^2(1) = .33, p > .05$ (Table 14). Therefore, though many respondents indicated that they were displeased with the length of the military justice process in the open-ended comments, speed appears to have very little influence on their decision to recommend reporting to another survivor.

Figure 81.

Recommendation to Make a Report by Speed of Military Justice Process

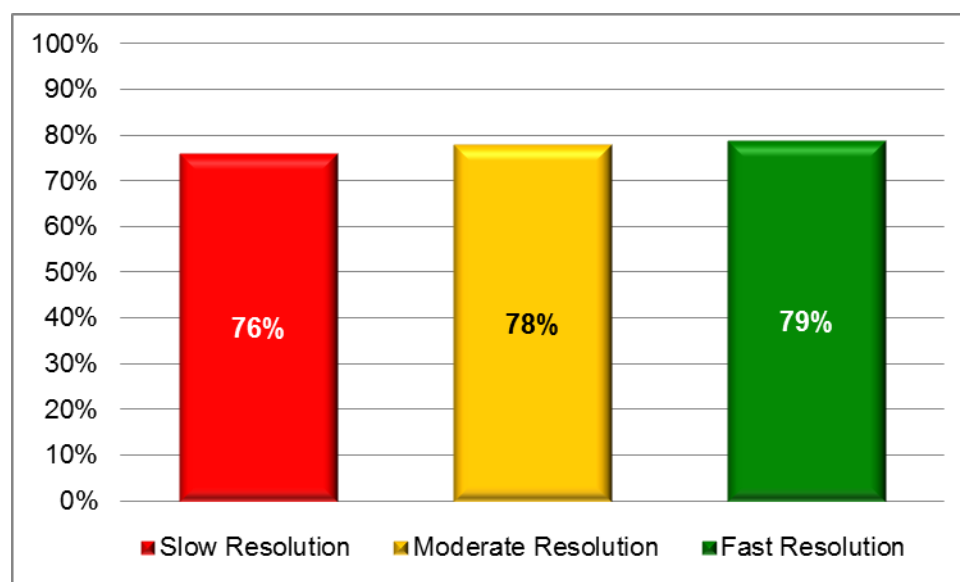


Table 14.

Number of Eligible Respondents for Analysis of Overall Speed of Military Justice Process and Recommendation to Make a Report

	Slow Resolution	Moderate Resolution	Fast Resolution
Recommend Yes	173	186	37
Recommend No	55	53	10

Note. Numbers of respondents are of those who endorsed an option for each speed category of the military justice process and whether they would recommend to another survivor to make a report.

Discretion Used

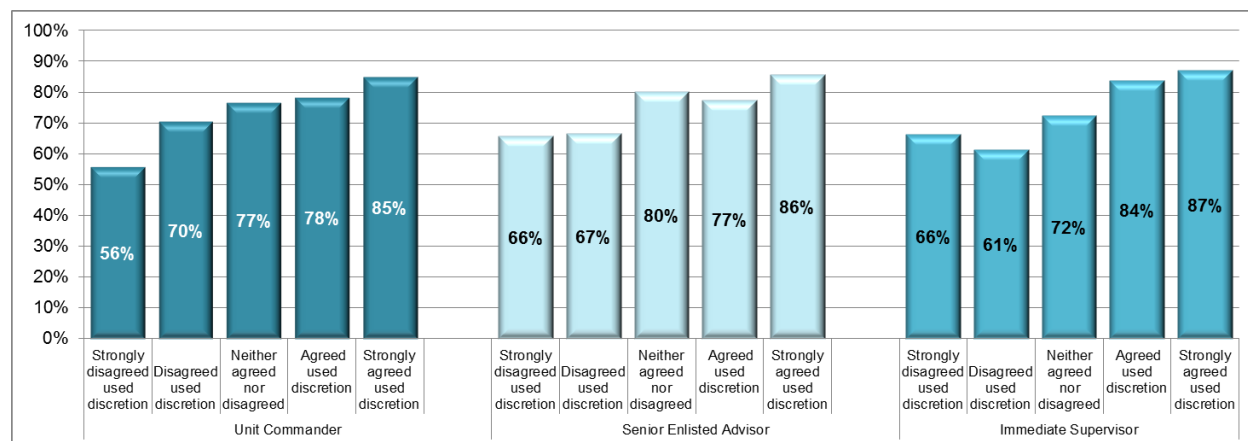
Several respondents specified that stronger **enforcement of confidentiality and discretion** was needed for the Department to help future military members through the military justice process.

“I think that the process could be kept more confidential. I am not sure what happened but everyone knew my business after my assault. It made it all worse because that’s when the harassment and rumors started.”

“The chain of command did not help by week one of the reporting the entire brigade knew what was going on. The victim ends up becoming twice a victim because of the judging and humiliation that comes along with reporting and no one believing you.”

Disclosure of a sexual assault is a challenging decision for many survivors as control over personal information is given to individuals who might not hold their information with an appropriate amount of discretion. In both survey administrations, the majority of respondents indicated they *agreed* that SAPR-specific resources (e.g., SVC/VLC, UVA/VA, SARC) used discretion in sharing details of their case, whereas more than one-quarter of respondents *disagreed* that members of their command (e.g., immediate supervisor, senior enlisted advisor, unit commander/director) used discretion. As such, identifying the impact of discretion used by individuals who have been provided details about a sexual assault report, specifically members of command, is of interest.

Figure 82 displays estimates for respondents who indicated they would recommend to a survivor to make a report by the agreement that their unit commander used discretion. Overall, choice to recommend appears to vary by agreement that discretion was used by members of command; a higher percentage of respondents recommend reporting if they perceived that members of their command used discretion. Chi square analyses confirmed a significant association between agreement that discretion was used by their *unit commander* and the decision to recommend $X^2(4) = 25.56, p < .05$, between agreement that discretion was used by their *senior enlisted advisor* and the decision to recommend $X^2(4) = 16.35, p < .05$, and between agreement that discretion was used by their *immediate supervisor* and the decision to recommend $X^2(4) = 24.04, p < .05$ (Table 15). Therefore, it appears that the perception of members of command using discretion about details of their case influences a respondent’s decision to recommend reporting to another survivor.

Figure 82.***Recommendation to Make a Report by Discretion Used by Members of Command*****Table 15.*****Number of Eligible Respondents for Analysis of Discretion Used by Members of Command and Recommendation to Make a Report***

		Strongly Disagreed Used Discretion	Disagreed Used Discretion	Neither Agreed Nor Disagreed	Agreed Used Discretion	Strongly Agreed Used Discretion
Unit Commander	Recommend Yes	38	31	46	94	170
	Recommend No	30	13	14	26	30
Senior Enlisted Advisor	Recommend Yes	52	32	57	72	144
	Recommend No	27	16	14	21	24
Immediate Supervisor	Recommend Yes	55	27	55	72	136
	Recommend No	28	17	21	14	20

Note. Numbers of respondents are of those who endorsed an option for agreement that a member of their command used discretion and whether they would recommend to another survivor to make a report.

Overall Preparedness for Military Justice Process

Overall, 207 respondents indicated they were well prepared/very well prepared for the military justice process, whereas 120 respondents indicated they were poorly prepared/very poorly prepared. Several open-ended responses specified **keeping the survivor informed about the progress of their case and preparation for the military justice process** was needed for the Department to help future military members through the military justice process.

“Contact them with details of their case, and explain fully the process they are going through.”

“Keep them up to date on what is going on with the process and be certain that the soldier has a POC if things continue to happen in response to the report.”

Figure 83 displays estimates for respondents who indicated they would recommend to a survivor to make a report by overall preparedness for the military justice process. Overall, for respondents who indicated they were well prepared/very well prepared, the percentage who would recommend to a survivor to make a report was higher than for those who indicated they were poorly prepared/very poorly prepared for the military justice process. Therefore it would appear that preparation for the military justice process influences the decision to recommend. Chi square analysis confirmed a significant association between preparedness for the military justice process and the decision to recommend $X^2(4) = 29.61, p < .05$ (Table 16). Therefore, preparedness appears to have a significant influence on their decision to recommend reporting to another survivor.

Figure 83.

Recommendation to Make a Report by Overall Preparedness for Military Justice Process

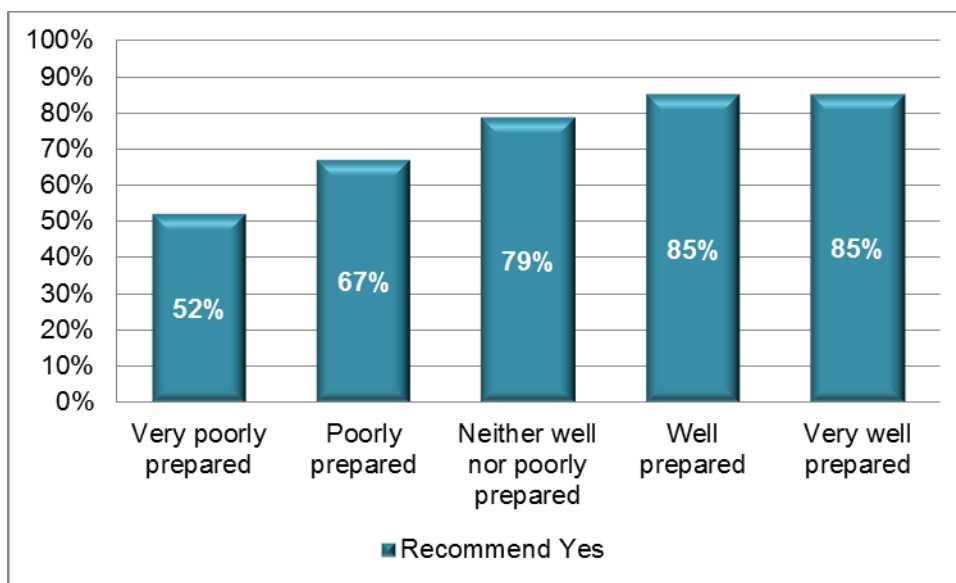


Table 16.

Number of Eligible Respondents for Analysis of Overall Preparedness for Military Justice Process and Recommendation to Make a Report

	Very Poorly Prepared	Poorly Prepared	Neither Well Nor Poorly Prepared	Well Prepared	Very Well Prepared
Recommend Yes	27	45	155	124	46
Recommend No	25	22	42	22	8

Note. Numbers of respondents are of those who endorsed an option for preparedness for the military justice process and whether they would recommend to another survivor to make a report.

Satisfaction With Perceived Action(s) Taken Against the Alleged Perpetrator

Overall, 116 respondents indicated they were satisfied/very satisfied with the official action(s) taken against the perpetrator, whereas 304 respondents indicated they were dissatisfied/very dissatisfied. Qualitative comments also revealed that some respondents specified **harsher punishments for perpetrators** were needed for the Department to help future military members through the military justice process.

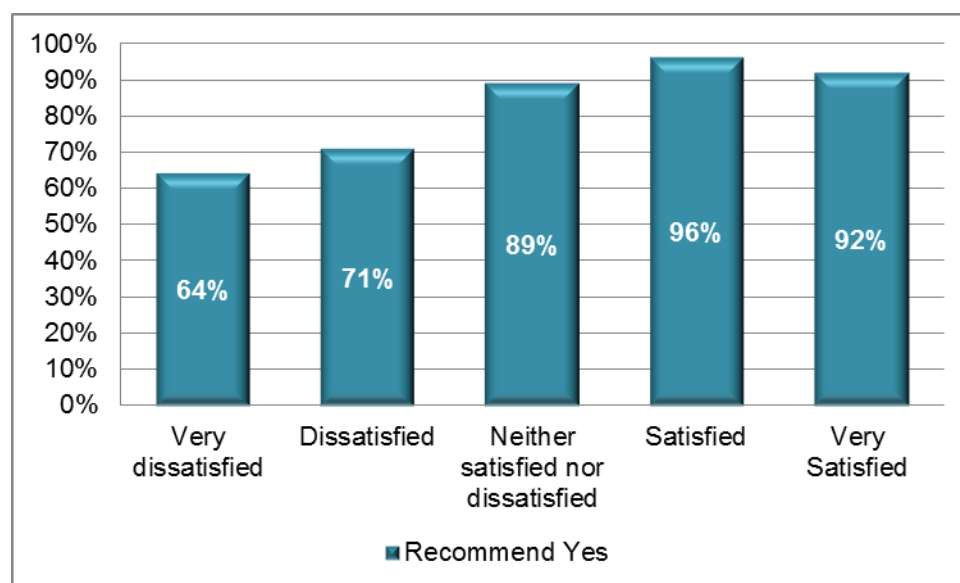
“I don’t think the perpetrators punishment was enough but I settled with what they offered to go for since I was not mentally or emotionally strong enough to go to the court trial and testify.”

“Make sure the person who did the assaulting got a[n] appropriate punishment. I have developed depression and panic attacks from this and I will suffer with this pain for life and [alleged offender] is still in the military.”

Figure 84 displays estimates for respondents who indicated they would recommend to a survivor to make a report by their satisfaction with the official action(s) taken against the perpetrator. Overall, for respondents who indicated they were satisfied/very satisfied, the percentage who would recommend to a survivor to make a report was higher than for those who indicated they were dissatisfied/very dissatisfied with the official action(s) taken against the alleged perpetrator. Therefore it would appear that satisfaction with the official action(s) taken against the alleged perpetrator influences the decision to recommend. Chi square analysis confirmed a significant association between satisfaction with the official action(s) taken against the perpetrator and the decision to recommend $X^2(4) = 51.96, p < .05$ (Table 17). Therefore, satisfaction with official action(s) taken against the alleged perpetrator appears to have a significant influence on a respondent’s decision to recommend reporting to another survivor.

Figure 84.

Recommendation to Make a Report by Satisfaction With Perceived Action(s) Taken Against the Perpetrator

**Table 17.**

Number of Eligible Respondents for Analysis of Satisfaction With Perceived Action(s) Taken Against the Perpetrator and Recommendation to Make a Report

	Very Dissatisfied With Action(s)	Dissatisfied With Action(s)	Neither Satisfied Nor Dissatisfied	Satisfied With Action(s)	Very Satisfied With Action(s)
Recommend Yes	134	59	97	73	33
Recommend No	77	24	12	3	3

Note. Numbers of respondents are of those who endorsed an option for satisfaction with official action(s) taken against the perpetrator and whether they would recommend to another survivor to make a report.

Expedited Transfer

Overall, 211 respondents between the two survey administrations indicated that they had requested and received an expedited transfer. Though not one of the most frequent recommendations, several respondents indicated that expedited transfers are something that would be useful for future survivors, especially if the alleged perpetrator is in his/her unit.

“If the perpetrator is in the same workplace, remove the victim immediately. Send them PCA or TDY for the entirety of the military investigation. Ensure that they know they have the right to an Expedited Transfer.”

Figure 85 displays estimates for respondents who indicated they would recommend to a survivor to make a report by whether they received an expedited transfer. Overall, whether a survivor requests and receives an expedited transfer does not appear to impact choice to recommend; 74% of respondents who received an expedited transfer would recommend reporting, whereas 79% of respondents who did not receive an expedited transfer would recommend reporting. To confirm, using chi square analysis, no significant association was found between receiving an expedited transfer and the decision to recommend to another survivor to report $X^2(1) = 2.21, p > .05$ (Table 18). Though the opportunity to receive an expedited transfer is intended to help survivors reestablish a safe place, receiving a transfer does not influence their decision to recommend reporting to another survivor.

Figure 85.

Recommendation to Make a Report by Receiving an Expedited Transfer

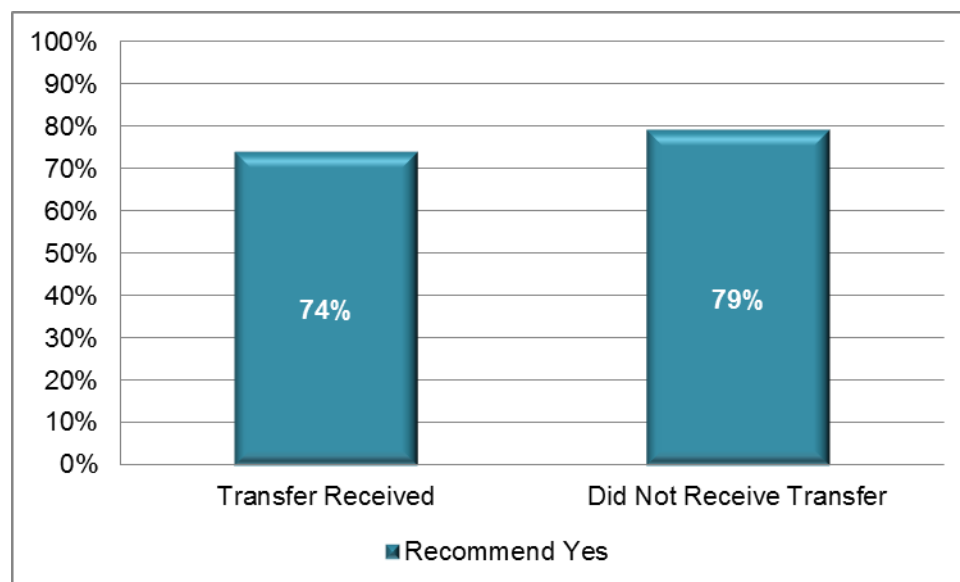


Table 18.

Number of Eligible Respondents for Analysis of Receiving an Expedited Transfer and Recommendation to Make a Report

	Transferred Received	Did Not Receive Transfer
Recommend Yes	150	247
Recommend No	54	65

Note. Numbers of respondents are of those who endorsed an option for received an expedited transfer and whether they would recommend to another survivor to make a report.

Summary of Analysis

Qualitative analysis of open-ended questions on the *2016 MIJES* yielded several suggestions for opportunities to help future military members who bring forward a report of sexual assault through the military justice process. Analysis was performed to determine whether these qualitative recommendations were supported by the quantitative data collected in the survey. These analyses were not performed to invalidate the suggestions, but to determine the overall impact these issues may have on perceptions about whether a respondent would choose to recommend to another survivor to make a report. Using chi square analysis, the amount of discretion used by members of their command, being well prepared for the military justice process, and satisfaction with the perceived action(s) taken against the perpetrator all had significant relationships on whether a respondent would recommend another survivor make a report. While the analysis did not show a relationship between the speed of the military justice process and willingness to recommend another survivor make a report, we were limited in the ability to classify the speed of the case.

Other suggestions which were not analyzed include perceptions of training and being kept up to date with the progress of the case. Analysis of these items was not possible as specific items were not asked on the previous administration of the survey. A future consideration is to include a question on the next administration of the survey which asks members about their perception of how well personnel that they interact with have been trained. Another consideration for analysis is to investigate whether respondents felt they were kept up to date on the progress of their case; more data will be available on this topic on the merged dataset in 2017. However, discussion about the information on the progress of respondents' cases from the *2016 MIJES* is provided in Chapter 7.

Chapter 7: Discussion

Summary of Findings

The results of *2016 MIJES* presented in this report represent the culmination of an extensive effort by OPA to assist the Department in assessing the investigative and legal processes/services experienced by military members who have made a report of sexual assault. The opinions and experiences measured in *2016 MIJES* are often quite private, and therefore difficult to gauge through measurement methods that involve direct observation or analyses of program data. While all surveys have limitations in scope, the *2016 MIJES* is a valuable tool for the Department to evaluate its SAPR programs/resources, as well as command and their combined utility in assisting survivors through the military justice process.

The findings from this assessment are beneficial in revealing what is working for military members who bring forward a report of sexual assault, and what can be improved. As in the 2015 administration, the *2016 MIJES* revealed that overall, respondents were most satisfied with their experiences with SVCs/VLCs and SAPR resources (i.e., SARC, UVA/VA), whereas improvements could be made regarding the experiences of military members with their command (i.e. senior enlisted advisor, immediate supervisor, unit commander). While all resources, including command, were generally assessed positively in providing support to the respondent during the military justice process, there were a few areas indicated where changes might be beneficial. Similar to findings from the *2015 MIJES*, respondents indicated that communicating with or contacting the respondent to inform them about the progress of their case was consistently lowest among assessment scores for all resources. Continuing to improve points of communication for all resources may be an opportunity for the Department to strengthen its ability to serve military members during the military justice process. Data from the *2016 MIJES* also highlight that certain resources can improve upon their use of discretion in discussing details about a case as well as aiding respondents in preparing for the military justice process.

There are several themes apparent in the results of *2016 MIJES* which underscore ways in which specific programs and resources provide support to military members who bring forward a report of sexual assault. The following sections discuss these themes and offer opportunities for action or acknowledgment.

Reporting Sexual Assault

Restricted Report Converted to Unrestricted Report. To be eligible to participate in *2016 MIJES*, a respondent's case needed to be closed. Though there are a few exceptions, the nature of having a closed case entails that the military member's report is unrestricted. Therefore it is not unexpected that 73% of respondents indicated that their final report type was unrestricted and 25% indicated that command or law enforcement had been notified. What may be interesting is the percentage of respondents who initially made a restricted report and chose to convert their report or who did not choose to convert their report but an independent investigation occurred anyway. Specifically, of the 23% of respondents who indicated initially making a restricted

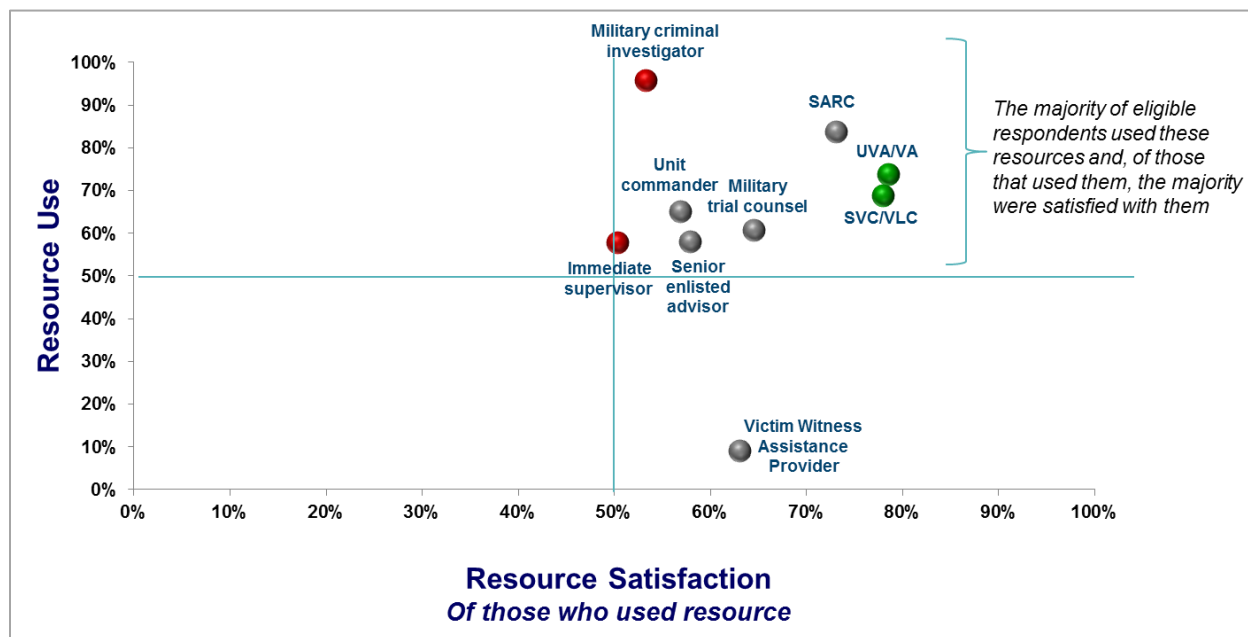
report, 100% indicated their report was converted to either an unrestricted report (69% indicated by choice; 31% indicated not by choice). For those respondents who chose to convert their restricted report to an unrestricted report, 58% converted their report within 30 days after the sexual assault occurred. Though a little more than two-thirds of respondents indicated they chose to convert their report, a little less than one-third indicated that conversion was not by choice.

Experiences with SAPR Resources and Command

Interaction With SAPR Resources and Command. Making an unrestricted report of sexual assault triggers an investigation, and therefore it makes sense that 96% of respondents indicated *interacting with a military criminal investigator after their report of sexual assault*. As seen in Figure 86, the majority also indicated interacting with SAPR-specific resources during the military justice process, primarily with a *SARC*, a *UVA* or a *VA*, or a *SVC/VLC*, and were satisfied with those interactions. Less than two-thirds indicated interacting with members of their command or military trial counsel during the military justice process, and were slightly less satisfied with the services those individuals provided.

Figure 86.

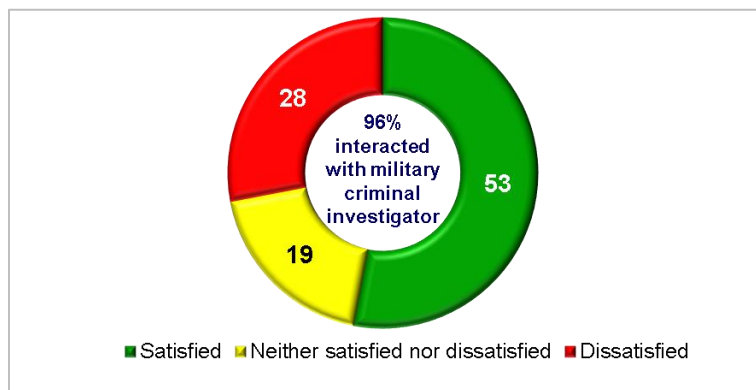
2016 Sexual Assault Prevention and Response Resources: Use and Satisfaction



Experience With Military Criminal Investigator (MCI). As seen in Figure 87, 96% of respondents indicated interacting with a MCI after their report of sexual assault; however, 28% were **dissatisfied** with the resource and the services that were provided. To break this down, though more than half (64%–82%) of respondents who interacted with a MCI **agreed** that the MCI *was professional in interactions with them, took their report seriously, gave them sufficient time and professional consideration in hearing their complaint, treated them with dignity and*

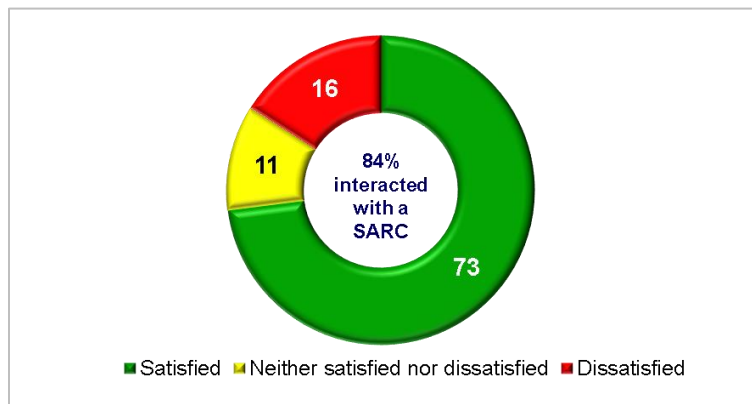
respect, answered their questions about the investigative process, provided initial information for victims (DD2701) and explained their legal rights, informed them of the availability of Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC) assistance, allowed them provide information at their own pace, listened to them without judgment, and took steps to address their safety. Of note, 31% indicated they **disagreed** that the MCI provided information about the progress of their investigation, and separately, 6% of all respondents indicated the majority of information about the progress of their case was provided by a MCI. Other potential areas for improvement include discretion used when sharing details of a case and/or helping members who make a report prepare for the military justice process. Overall, 72% of respondents indicated that the MCI used discretion in sharing details of their case and 23% indicated the MCI was beneficial in preparing them for the military justice process. As most members who make an unrestricted report of sexual assault interact with MCIs early on in the investigation process, there is an opportunity for these personnel to provide more "up front" information about the process as a whole to better prepare members.

Figure 87.
Experience With MCI(s)



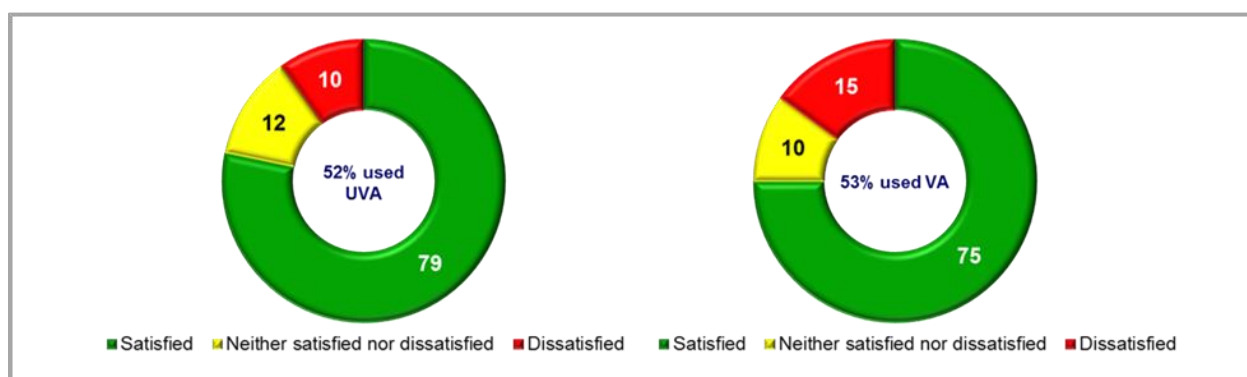
Experience With Sexual Assault Response Coordinator (SARC). As seen in Figure 88, overall, 84% of respondents indicated interacting with a SARC during the military justice process, and 73% indicated that they were **satisfied** with their services. Similar to respondents rates of satisfaction, more than two-thirds indicated they **agreed** that the SARC *supported them throughout the military justice process, helped them work with military criminal investigators, attorneys, and commanders, and/or contacted them on a regular basis regarding their well-being while their case was open*. As with other resources, contact was the least endorsed activity; 22% indicated they **disagreed** that the SARC *contacted them on a regular basis regarding their well-being while their case was open* and 12% of respondents overall indicated the majority of information about the progress of their case was provided by the SARC. While 82% of respondents overall indicated the SARC used discretion in sharing details of their case, a little over half (53%) indicated the SARC was beneficial in preparing them for the military justice process, which may be an area for improvement.

Figure 88.
Experience With a SARC



Experience With Uniformed Victim Advocate (UVA)/Victim Advocate (VA). Overall, 74% of respondents indicated interacting with a Uniformed Victims' Advocate (UVA) and/or a Victims' Advocate (VA) during the military justice process; breaking this out, 32% indicated interacting with a UVA, 33% indicated interacting with a VA, 20% indicated interacting with *both a UVA and VA*, and 15% indicated they were *unable to recall*. As seen in Figure 89, of those who indicated interacting with a UVA and/or a VA, 52% indicated using a UVA and 53% used a VA. Respondents who indicated interacting with a UVA indicated slightly higher levels of satisfaction with the services provided than those who interacted with a VA. Assessment of the actions provided by the UVA also reflect this difference when compared to respondent assessment of experiences with the VA. For those respondents who interacted with a UVA, the majority indicated they **agreed** that the UVA *supported them throughout the military justice process, helped them work with military criminal investigators, attorneys, and commanders, and/or contacted them on a regular basis regarding their well-being while their case was open*, whereas members who indicated interacting with a VA were a little less likely to agree. These differences are of interest as findings from the 2015 MIJES indicated that regardless of interaction with a UVA or VA, there was not a quantifiable difference in providing satisfactory support to respondents. Overall, 16% of respondents indicated the majority of information about the progress of their case was provided by a UVA/VA, 85% indicated that the UVA/VA used discretion in sharing details of their case, and 50% indicated the UVA/VA was beneficial in preparing them for the military justice process.

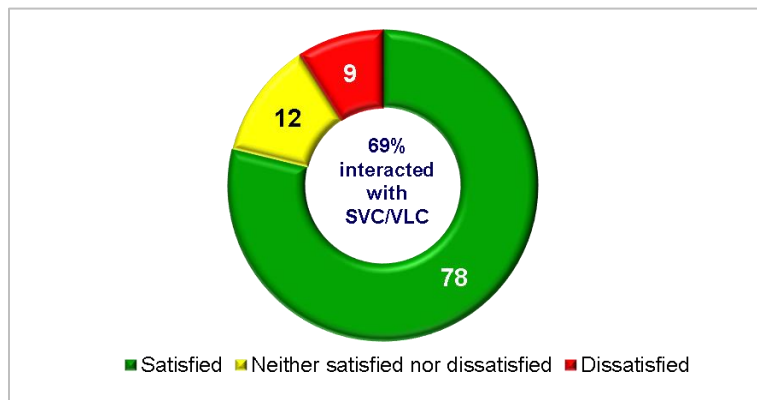
Figure 89.
Experience With a UVA/VA



Experience With Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC). As seen in Figure 90, 69% of respondents indicated interacting with SVCs/VLCs and 78% indicated they were **satisfied**, while 9% indicated that they were **dissatisfied** with their services. Similar to overall satisfaction, the majority of respondents who interacted with a SVC/VLC indicated they **agreed** their SVC/VLC provided them with the relevant supportive actions, and few **disagreed**. Again, providing information about the progress of their case was one of the least endorsed actions though still relatively high at 83% agreement; also, 53% of respondents overall indicated the SVC/VLC provided them with the majority of information about the progress of the case which was much greater than any other resource. For respondents overall, SVCs/VLCs were also the highest rated resource for use of discretion in sharing details of their case (88%) as well as being beneficial in preparing the respondent for the military justice process (69%). The vast majority (98%) of respondents who interacted with a SVC/VLC indicated the SVC/VLC was available when needed, and the majority indicated the SVC/VLC *attended other meetings involving trial counsel and/or defense attorneys, attended other meetings involving military criminal investigators, attended the court-martial, assisted them with any legal matters outside the military criminal investigation, and attended the Article 32 preliminary hearing*. These ratings might reflect the particularity of the respondent's case, but might be of note to the Department.

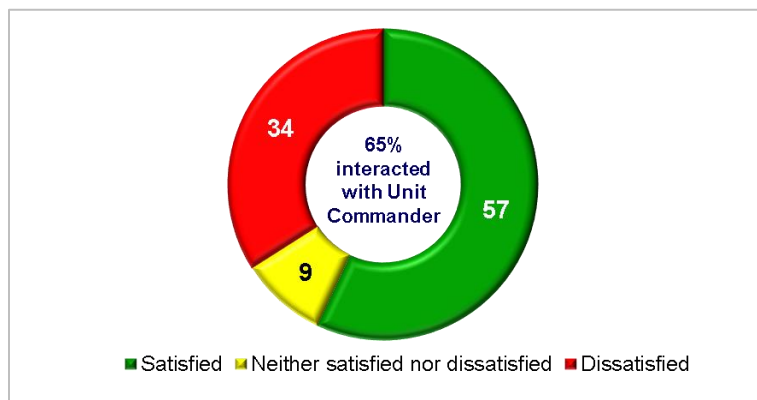
The majority (95%) of respondents who interacted with a SVC/VLC indicated that they had been assigned a SVC/VLC; OPA was not able to assess how the remaining 5% of respondents got in contact with their SVC/VLC. Findings from the 2015 MIJES revealed that some respondents were dissatisfied with how often they were reassigned a new SVC/VLC. The 2016 administration found that of the 32% of respondents who indicated being supported by more than one SVC/VLC during the military justice process, 53% indicated there was *no impact* on the assistance they received, 29% indicated the change *improved* the assistance received, and 18% indicated the change *negatively impacted* the assistance received. Overall awareness of the SVC/VLC program is of interest to the Department as knowing that this resource exists might encourage survivors to feel more comfortable making a report. For example, 68% of respondents who interacted with an SVC/VLC were not aware of the program prior to their report. Of the 32% who were aware, 60% indicated that their awareness of the program impacted their decision to report to some extent.

Figure 90.
Experience With a SVC/VLC



Experience With Unit Commander. As shown in Figure 91, overall, 65% of respondents indicated interacting with their unit commander during the military justice process, and though 57% were **satisfied** with their response, 34% were **dissatisfied**. More than one-third of respondents who interacted with their unit commander also **disagreed** that their unit commander *supported them throughout the military justice process* or *informed them about the progress of their case*. Only 2% of respondents overall indicated their unit commander provided the majority of information about the progress of the case. However, dissatisfaction might reflect a few issues (e.g., the amount of knowledge the individual had about handling sexual assault cases, their comfort about handling sexual assault cases, their overall involvement in the military justice process). Overall, 64% of respondents indicated their unit commander used discretion in sharing details of their case, while 15% indicated their unit commander was beneficial in preparing them for the military justice process.

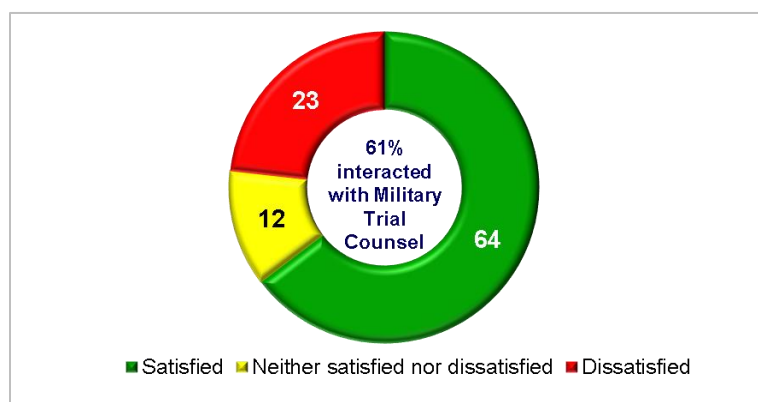
Figure 91.
Experience With a Unit Commander



Experience With Military Trial Counsel. As shown in Figure 92, overall 61% interacted with military trial counsel. The majority of these respondents indicated they **agreed** that military trial

counsel was professional in interaction with them, took their report seriously, answered their questions, treated them with dignity and respect, communicated with their Special Victims' Counsel (SVC)/Victims' Legal Counsel (VLC) with their consent, listened to them without judgement, and took steps to protect their safety. Similar to other resources, informing the respondent about the progress of the case was the least endorsed action, and overall, 6% of respondents indicated the military trial counsel provided the majority of information about the progress of the case. Of respondents who interacted with military trial counsel, the majority indicated the military trial counsel discussed the actions that could be brought against the perpetrator, the status of trial proceedings against the perpetrator, their rights as a crime victim, and the availability of a Military Protective Order and how to obtain a Civilian Protective Order. As such, 35% of respondents overall indicated the military trial counsel was beneficial in preparing them for the military justice process and 74% indicated they used discretion in sharing details of their case.

Figure 92.
Experience With Military Trial Counsel

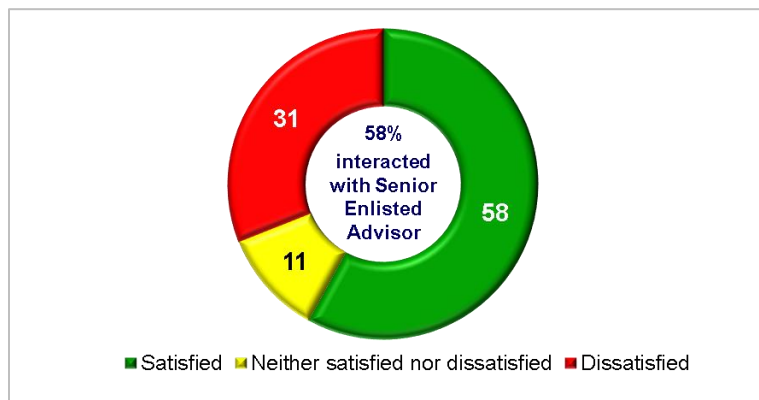


Experience With Senior Enlisted Advisor. As shown in Figure 93, interactions and experiences with their senior enlisted advisor were similar to those who interacted with their unit commander. Overall, 58% indicated interacting with their senior enlisted advisor during the military justice process. This resource yielded a higher percentage of **dissatisfaction** (31%). These ratings are also reflected in respondents' assessments of the activities provided. Of these members, 63% indicated they **agreed** that their senior enlisted advisor *supported them throughout the military justice process*, whereas 28% **disagreed**. Less than half (47%) indicated they **agreed** that their senior enlisted advisor *informed them about the progress of their case*, whereas 38% **disagreed**,⁴⁵ and for respondents overall, only 3% indicated their senior enlisted advisor provided the majority of information about the progress of the case. These percentages might reflect a multitude of elements (e.g., how involved command is allowed to be in the military justice process), that the perspective of the respondent might not take into account, which might also include the reason why the assessment for contact about the progress of the case is low. Similarly, overall, respondents indicated that their senior enlisted advisor was not as

⁴⁵ Air Force, Air Force Reserve, and Air National Guard members did not receive this item.

beneficial as other resources in preparing them for the military justice process (14%) or in using discretion in sharing details about their case (57%).

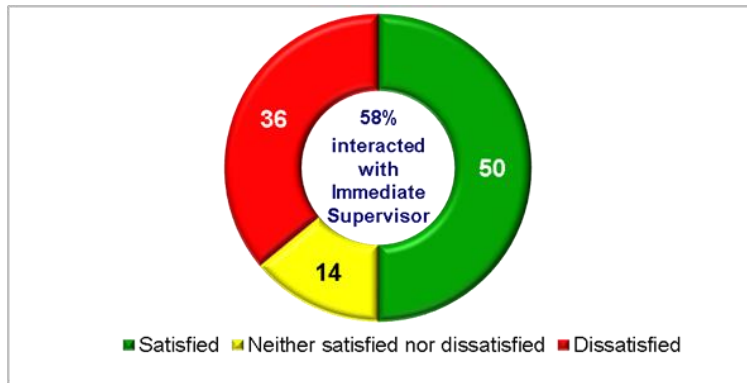
Figure 93.
Experience With Senior Enlisted Advisor



Experience With Immediate Supervisor. As shown in Figure 94, interactions and experiences with their immediate supervisor were similar to those who interacted with their senior enlisted advisor or unit commander. Like interactions with senior enlisted advisors, overall 58% indicated interacting with their immediate supervisor during the military justice process. This resource also yielded a high percentage of **dissatisfaction** (36%). These lower ratings are reflected in respondents' assessments of the activities provided. Of these members, 61% indicated they **agreed** that their immediate supervisor *supported them throughout the military justice process*, whereas 32% **disagreed**. Forty-one percent indicated they **agreed** that their immediate supervisor *informed them about the progress of their case*, whereas almost half (46%) **disagreed**,⁴⁶ and for respondents overall, only 1% indicated their immediate supervisor provided the majority of information about the progress of the case. As discussed above, these percentages might reflect elements that a respondent might not take into account, which might also include the reason why the assessment for contact about the progress of the case is low. Similarly, overall, respondents indicated that their immediate supervisor was not as beneficial as other resources in preparing them for the military justice process (12%) or in using discretion in sharing details about their case (55%).

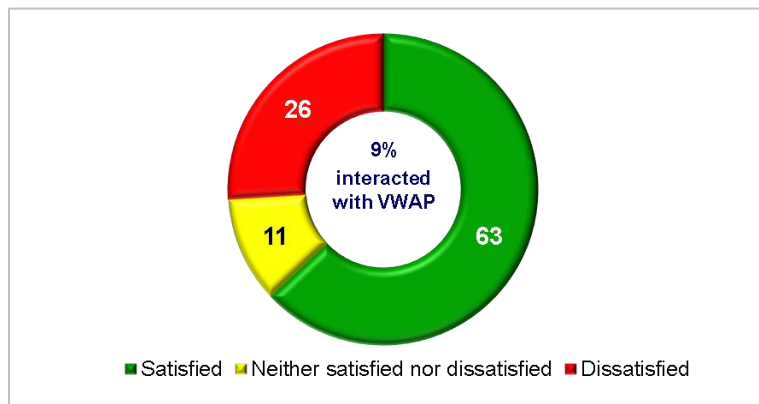
⁴⁶ Air Force, Air Force Reserve, and Air National Guard members did not receive this item.

Figure 94.
Experience With Immediate Supervisor



Experience With Victim Witness Assistance Provider (VWAP). As shown in Figure 95, though this resource was the least endorsed as someone whom the respondents indicated interacting with (9%), respondents were mostly **satisfied** (63%) with the services provided. The majority of those who interacted with a VWAP **agreed** the VWAP was *professional in his/her interactions with them, treated them with dignity and respect, provided them with information on services and resources that were available to them, answered their questions, helped them understand the overall military justice process, and ensured they had a voice in the military justice process*. Consistent to the other resources, keeping the respondent informed about the status and progress of their case was the least endorsed action; overall, no respondent indicated that the majority of information about the progress of the case was provided by a VWAP. Of respondents who interacted with a VWAP, about two-thirds indicated the VWAP discussed *the availability of a Military Protective Order and how to obtain a Civilian Protective Order, other safety or protection options beyond a protective order and pre-trial restraint, the actions that could be brought against the perpetrator, and the status of trial proceedings against the perpetrator*, while less than half indicated the VWAP discussed *pre-trial restraint options for the perpetrator that were available to the commander*. Overall, only 3% of respondents indicated the VWAP was beneficial in preparing them for the military justice process and 68% indicated they used discretion in sharing details of their case.

Figure 95.
Experience With VWAP

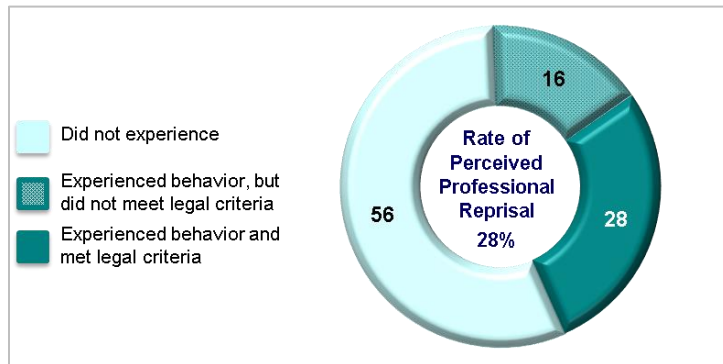


Outcomes Associated With Reporting

Perceived Professional Reprisal. As shown in Figure 96, for respondents overall, the *Rate of Perceived Professional Reprisal* was 28%, though 16% of respondents indicated experiencing a behavior consistent with potential professional reprisal from their leadership, but did not indicate meeting the criteria included in the overall rate.

Of respondents who met criteria for *Perceived Professional Reprisal*, the majority (76%) indicated experiencing *some other action that negatively affects, or could negatively affect, their position or career* from leadership. Follow-up open-ended questions revealed that the most frequently mentioned “other” actions taken by leadership included belief that leadership *breached confidentiality*, leadership forced the respondent to *involuntarily separate or transfer*, or the respondent was *unwarrantedly disciplined*. Two-thirds of respondents who indicated experiencing *Perceived Professional Reprisal* indicated *another member in their chain of command, but not a unit commander* took an action, whereas 56% indicated their *Senior Enlisted Leader* took an action and 50% indicated their *unit commander* took an action. Overall, 95% of respondents who reported experiencing *Perceived Professional Reprisal* indicated that the behaviors taken by their leadership yielded harm to their career and 79% indicated despite experiencing these behaviors, they decided to participate and/or move forward with their report.

Figure 96.
Rate of Perceived Professional Reprisal

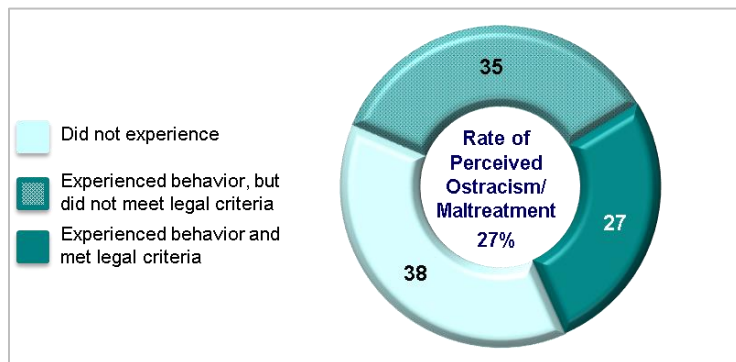


Perceived Ostracism. For respondents overall, the *Rate of Perceived Ostracism* was 17%. About three-fourths of respondents who indicated experiencing *Perceived Ostracism* indicated a *Service member in a similar rank as them* or a *Service member in a higher rank within their chain of command* took the action. For those that experienced *Perceived Ostracism*, 81% indicated they decided to participate and/or move forward with their report despite experiencing *Perceived Ostracism*.

Perceived Maltreatment. For respondents overall, the *Rate of Perceived Maltreatment* was 24%. Of respondents who met criteria for *Perceived Maltreatment*, 62% indicated experiencing *some other negative action* from their military peers and/or coworkers. Follow-up open-ended questions revealed that the most frequently mentioned “other” actions included individuals *ostracizing* the respondent, military peers and/or coworkers *spreading rumors* about the respondent, or they were *intimidated, threatened, or bullied*. Of those who experienced *Perceived Maltreatment*, 75% indicated some of the persons who took the *Perceived Maltreatment* actions were in a position of authority/leadership over them; 74% indicated a *Service member in a higher rank within their chain of command* took the action, while 68% indicated a *Service member in a similar rank as them*. For those that experienced *Perceived Maltreatment*, 83% indicated they decided to participate and/or move forward with their report despite experiencing *Perceived Maltreatment*.

Perceived Ostracism/Maltreatment. In Figure 97, for respondents overall, the *Rate of Perceived Ostracism/Maltreatment* was 27%. This rate is a composite of respondents who reported experiencing *Perceived Ostracism* and/or *Perceived Maltreatment*. Thirty-five percent of respondents perceived experiencing a behavior in line with potential ostracism and/or potential maltreatment, but did not indicate additional motivating factors to be included in the overall rate. Of respondents who experienced *Perceived Ostracism/Maltreatment*, 29% indicated the actions they experienced involved some form of social media.

Figure 97.
Rate of Perceived Ostracism/Maltreatment



Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment. As shown in Figure 98, for respondents overall, the *Rate of Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment* was 38%. This rate is a composite of respondents who reported experiencing *Perceived Professional Reprisal* and/or *Perceived Ostracism/Maltreatment* for reporting a sexual assault. Thirty-one percent of respondents overall perceived experiencing a behavior consistent with potential professional reprisal, potential ostracism, and/or potential maltreatment, but did not indicate additional motivating factors to be included in the overall rate.⁴⁷ Of respondents who experienced *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment*, 65% indicated the individuals committing negative actions were *friends with the identified perpetrator(s)* and 61% indicated they were *in the same chain of command*, whereas 22% indicated the individual(s) was the *same person(s)* and 19% indicated there was *no relationship*.

Of respondents who reported experiencing *Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment*, as a result of the negative behaviors, 80% indicated that they *discussed these behaviors with their friends, family, coworkers, or a professional*, 61% indicated they *discussed these behaviors with a work supervisor or anyone up their chain of command with the expectation that some corrective action would be taken*, 44% indicated they *discussed these behaviors with a work supervisor or anyone up their chain of command to get guidance on what to do*, and 23% indicated that they *filed a complaint (for example, with the Inspector General, Military Equal Opportunity Office, commander)*. Of respondents who experienced negative actions in line with *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment* and discussed these behaviors with friends, family, coworkers, professionals, a work supervisor, or anyone up their chain of command, 14% indicated they agreed to bring their allegation to a Case Management Group (CMG), whereas 50% indicated they did not agree to bring their allegation to a CMG, and 36% indicated they were *not sure*.

Of respondents who experienced negative actions in line with *Perceived Professional Reprisal*, *Perceived Ostracism*, and/or *Perceived Maltreatment* and discussed these behaviors with a work supervisor or anyone up their chain of command with the expectation that some corrective action

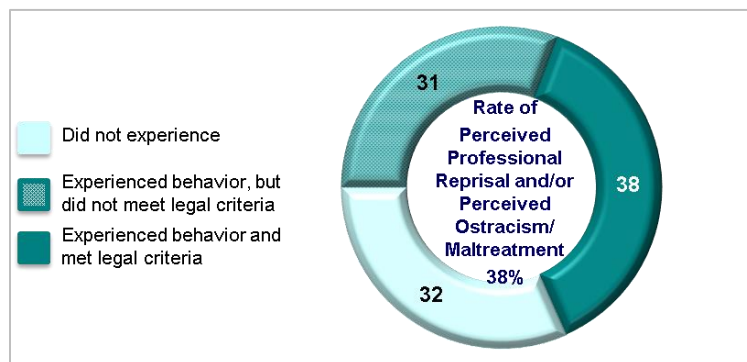
⁴⁷ Chapter 4 provides additional detail on the definitions of and construction of rates for *Perceived Professional Reprisal*, *Perceived Ostracism* and *Perceived Maltreatment*.

would be taken, 57% indicated they discussed the behaviors with *another member in their chain of command*, 51% indicated they discussed the behaviors with their *Senior Enlisted Leader*, 43% indicated they discussed the behaviors with their *immediate supervisor*, 32% indicated they discussed the behaviors with their *unit commander*, and 9% indicated they discussed the behaviors with the *deputy commander (XO)*. Of these respondents, 52% indicated as a result of their discussion *they are not aware of any action taken by the person that they told*. Respondents also indicated as a result of their discussion, *the situation continued or got worse for them* (44%), *they were told/encouraged to drop the issue* (42%), *they got help dealing with the situation* (21%), *their leadership took steps to address the situation* (17%), and relatively few (2%) indicated that *the behavior(s) stopped on their own*. In summary, 29% of these respondents indicated they received help or assistance as a result of their discussion of these behaviors.

As a result of filing a complaint, respondents indicated *the situation continued or got worse for them*, *they were told/encouraged to drop the issue*, or *they were not aware of any action taken by the person that they told* (all 33%). Fewer respondents indicated that as result of filing a complaint, they got help dealing with the situation (28%), or *their leadership took steps to address the situation* (17%), whereas 6% indicated *the behavior(s) stopped on its own*. For those who chose not to file a complaint, reasons for choosing not to file a complaint included *they were worried that reporting would cause more harm to them than good* (67%), *they did not trust that the process would be fair* (66%), *they did not think anything would be done or anyone would believe them* (59%), *they did not want more people to know and/or judge them* (48%), *they did not know how to report it* (34%), *they were told/encouraged not to file a complaint* (24%), *some other reason* (17%), and very few respondents indicated that they chose not to file a complaint because *the person(s) stopped their behavior* (3%).

Figure 98.

Rate of Perceived Professional Reprisal and/or Perceived Ostracism/Maltreatment



Overall Military Justice Experience

Extent Respondents Felt Up to Date on the Progress of the Case. Analysis of the 2015 MIJES revealed that some respondents did not feel that they had been kept up to date on the progress of their case. In response, the 2016 MIJES asked respondents to indicate the overall extent to which they felt that had been kept up to date on the progress of their case. Overall, 41% indicated during the military justice process they were kept up to date on the progress of their case to a

large extent/very large extent and 51% indicated they had been kept up to date to a *small extent/moderate extent*, whereas 8% indicated they were *not at all* kept up to date on the progress of their case. Overall, of respondents who felt they were kept up to date on the progress of their case to a *large extent/very large extent*, the top three individuals or services which provided the majority of information about the progress of their case were SAPR-specific resources (e.g., SVC/VLC, UVA/VA, SARC).

Charges Preferred Against Perpetrator. Overall, 57% of respondents indicated charges were preferred against the perpetrator and 48% indicated there was an Article 32 preliminary hearing on their case. Of these respondents, 43% indicated *the charges were what they had expected*, whereas 1% indicated *they were more severe than they had expected*, and 45% indicated *they were less severe than they had expected*.

Official Action(s) Taken Against the Alleged Perpetrator. Overall, of respondents who knew whether there was an action taken, 68% indicated that an official action was taken against the alleged perpetrator. Overall, 20% of respondents indicated that they were **satisfied** with the official action(s) taken against the alleged perpetrator, whereas 61% indicated that they were **dissatisfied**.

Ease of and Preparedness for the Military Justice Process. Overall, 68% of respondents indicated they felt the military justice process was *difficult/very difficult*, whereas 15% indicated that the process was *easy/very easy*. Open-ended responses revealed that three of the most frequently mentioned services and groups that were the most helpful during difficult times were their *family and friends*, the *SVC/VLC*, and *mental health providers and counselors*, whereas three of the most frequently mentioned services and groups that helped make the process easier included the *SVC/VLC*, the *SAPR services* (e.g., UVA/VA, SARC), and overall *staying informed* about their case made the process easier. Forty-one percent of respondents indicated that based on the services provided, they felt *well prepared/very well prepared* for the military justice process, whereas 23% felt *poorly prepared/very poorly prepared*. Of respondents who indicated they were *well prepared* or *very well prepared* for the military justice process, the top three individuals and/or services that were beneficial in preparing respondents for the military justice process were again *SVCs/VLCs* and *SAPR-specific resources*. Of respondents who indicated they were *poorly prepared/very poorly prepared* for the military justice process, the most frequently mentioned aspects that could potentially have helped to better prepare them for the military justice process include *better explanation of the military justice process and their rights* and *better support*.

Recommend Others Report Sexual Assault Based on Overall Experiences With Military Justice Process. When asked whether they would recommend to another survivor to make a report of sexual assault, 77% of respondents indicated that they would recommend others who experience a sexual assault make a report. Specifically, 51% of respondents indicated *yes, an unrestricted report*, 26% indicated *yes, a restricted report*, and 23% indicated *no*.

Expedited Transfer. Overall, 43% of respondents indicated that they requested and received an expedited transfer as a result of their report of sexual assault. Of respondents who requested and received an expedited transfer, compared to the time before they were transferred, their *living situation* (69%), *treatment by leadership* (61%), *treatment by peers* (59%), *social support* (56%),

medical/mental health care (51%), and their *career progression* (47%) were **better** than before. Of respondents who requested and received an expedited transfer, compared to the time before they were transferred, their *career progression* (22%), *medical/mental health care* (16%), *social support* (16%), *treatment by leadership* (12%), *treatment by peers* (10%), and their *living situation* (10%) were **worse** than before.

Future Directions

The 2016 *MIJES* is the second administration of the survey which provides the Department with a description of military members' experiences with the military justice process after reporting a sexual assault. As described in Chapter 6, ongoing analysis of qualitative and quantitative findings from the survey will provide the Department with a better and more detailed account of the experiences of these military members as well as the types of impact programs and personnel have during the military justice process for this vulnerable population. The nature of the *MIJES* provides an opportunity to continue exploring these findings in greater detail over time.

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Appendix A. Frequently Asked Questions

Frequently Asked Questions

2016 Military Investigation and Justice Experience Survey (2016 MIJES)

Defense Research, Surveys, and Statistics Center (RSSC)

Office of People Analytics (OPA)

The Office of People Analytics (OPA) Research, Surveys, and Statistics Center (RSSC) conducts comprehensive research and analyses to support the information needs of the Department of Defense (DoD). One way to meet this need is through surveys. OPA conducts Joint-Service surveys including the Status of Forces surveys, QuickCompass surveys, and Health & Resilience surveys for the DoD on a variety of topics of interest to the Department. This survey, the *2016 Military Investigation and Justice Experience Survey (MIJES)*, is the second administration of the only DoD-wide survey effort designed to assess the investigative and legal processes experienced by survivors that have made a formal report of sexual assault. The following details some common questions about the survey content and methods used to conduct the *2016 MIJES*.

1. *What is the Military Investigation and Justice Experience Survey?*

- The *Military Investigation and Justice Experience Survey (MIJES)* is a voluntary survey designed to assess the investigative and legal processes experienced by survivors that have made a formal report of sexual assault. By focusing on military members who have made an unrestricted report or converted from a restricted to an unrestricted report, OPA is assessing the military justice experiences of a unique population that has not previously been studied: those survivors with a recently closed sexual assault case (e.g., verdict made, investigation complete). The *2016 MIJES* was designed with input from DoD Sexual Assault Prevention and Response Office (SAPRO) representatives, the Services, the National Guard Bureau, the Office of Inspector General (OIG), as well as the Office of General Counsel (OGC). This is the only formal survey assessment of this population across DoD, including active duty and Reserve component members. The survey focuses on experiences with the military investigation and justice processes only and does not ask survivors questions about the circumstances or details of the assault.

2. *Why was the MIJES conducted?*

- The *2016 MIJES* is designed to assess the investigative and legal processes experienced by survivors that have made a formal report of sexual assault. This survey was conducted in response to a Secretary of Defense Directive requiring that a standardized and voluntary survey for survivors be developed and regularly administered to “provide the sexual assault victim/survivor the opportunity to assess and provide feedback on their experiences with (Sexual Assault Prevention and Response) SAPR victim assistance, the military health system, the military justice process, and other areas of support” (Secretary of Defense, 2014). The Defense Research, Surveys, and Statistics Center (RSSC) within the Office of People Analytics (OPA) was tasked with this effort.

3. *What was the population of interest for the 2016 MIJES?*

- The population of interest for the 2016 *MIJES* consisted of current uniformed military members (i.e., Title 10 or Title 32 status, even if part-time), who have a closed case (e.g., investigation done, disposition complete, and case information entered into DSAID) between April 1, 2015 and March 31, 2016 (FY15 Q3-FY16 Q2). Uniformed military members include members of the active duty (Army, Navy, Marine Corps, and Air Force), the Reserve (Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve), and the National Guard (Army National Guard and Air National Guard). All sexual assault survivors who met the above criteria were eligible to participate in the survey. In addition, respondents were excluded if they indicated via self-report that they:
 - were not currently uniformed military members,
 - did not have a report that resulted in a criminal investigation by a Military Criminal Investigative Organization,
 - did not have a perpetrator that was a military Service member, and
 - did not choose to participate in the investigation or military justice process.
- The population for the 2016 *MIJES* consisted of 3,230 members who made a report of sexual assault and who had a closed case between April 1, 2015 and March 31, 2016. Of the 3,230 members who made a report of sexual assault and who met the eligibility criteria in this time frame, 2,041 survivors were current military members as of the Defense Manpower Data Center *May 2016 Active Duty Military Personnel (ADMP) Master File* or *May 2016 Reserve Components Common Personnel Data System (RCCPDS) Master File* and comprised the eligible sample population. Completed surveys were received from 225 respondents.

4. *Is this survey anonymous? How did you make sure to protect anonymity?*

- The survey is anonymous. OPA used information provided in the Defense Sexual Assault Incident Database (DSAID) only to ensure the survey is directed to eligible respondents; it was not used for any part of the data collection effort and all survey responses received (on both web and paper surveys) were completely anonymous. OPA maintained response anonymity by breaking the link between the sample member's address and survey returns to ensure there is no way to link the respondent's identity to their responses. There is no way to merge the survey respondent data with the record data. Random ticket numbers were assigned to ensure that only eligible respondents have access to the survey, however the ticket number was unique and not linked to the survivor's name, Service or paygrade. Additionally, disclosure protection is afforded by the OPA policy on sharing data.

5. *How did you identify survivors to take the survey and how were they notified?*

- Contact information was provided from DSAID. Contact information was only used to ensure the survey is directed to eligible respondents; it was not used for any part of the

data collection effort and all survey responses received (on both web and paper surveys) were completely anonymous. The web survey administration process began on August 29, 2016 with an e-mail announcement message to survivors in the sample. The announcement e-mail explained the 2016 MIJES data collection effort, why the survey was being conducted, how the survey information would be used, why participation was important, as well as information about how to opt out of the survey if the survivor did not want to participate. Throughout the administration period, a limited number of additional e-mail reminders (three in total) were sent to survivors to remind them of the survey effort and to encourage them to take the survey. Paper-and-pen surveys were mailed in a survey packet (requiring signature) through UPS to eligible sample members in September 2016. Prior to administration, a notification e-mail was sent to sample members by the DoD Sexual Assault Prevention and Response Office Director, Major General Nichols, to validate the survey's legitimacy as well as to make sample members aware that they would be receiving the survey via e-mail or UPS package requiring a signature.

6. *Can I assume these estimates represent the views of all survivors?*

- No. The 2016 MIJES is an anonymous and voluntary survey and does not use scientific sampling/weighting which would allow generalizability to the full population of survivors who have participated in the military investigative and justice processes. Therefore, estimates in the 2016 MIJES only represent the views of the survivors who met eligibility criteria and submitted completed surveys. Although not generalizable to the full population of survivors, MIJES results provide a source based on the responses of hundreds of survivors across the DoD; this data has never been available previously.

7. *Does this survey include Reserve and National Guard members?*

- Yes. This survey was conducted across all DoD components including the Reserves and National Guard. In addition to active duty members, our definition of “uniformed military member” included individuals in the Reserve (Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve), and the National Guard (Army National Guard and Air National Guard). However, numbers of Reserve and National Guard members that completed surveys for the 2016 MIJES were small, and therefore results for these members should be interpreted with caution.

8. *Why are the rates different between FY15 and FY16? Can I interpret this difference as a trend over time?*

- Survivors represented in the 2016 MIJES may have made a report any time between October 2013 until March 2016. Because many services, resources, and policies were not in place prior to FY16, the Department is interested in hearing about the experiences respondents have had who made their reports in different fiscal years. Findings presented by fiscal year are provided in Chapter 6 of the Overview Report to give a more complete picture of respondent experiences over time. However, all differences between fiscal years should be interpreted with caution as they are only averages of responses from survivors who chose to participate in the survey. As data in the survey were not

scientifically weighted, calculating statistical differences is not advisable, and therefore OPA cannot say with scientific certainty that findings between fiscal years are statistically significantly different. Findings for FY16 will not be provided in the Overview Report due to the small respondent sample that made a report in FY16, as only half of the fiscal year (Q1 and Q2) was captured for the purposes of the survey. Full fiscal year findings for FY16 will be provided in the 2017 MIJES Overview Report.

9. Some of the estimates provided in the report show “NR” or “Not Reportable.” What does this mean?

- The estimates become “Not Reportable” when they do not meet the criteria for statistically reliable reporting. This can happen for a number of reasons including high variability or too few respondents. This process helps ensure that the estimates we provide in our analyses and reports are accurate and precise.

10. Do the results on retaliation for reporting sexual assault mean that people experienced retaliation?

OPA worked closely with SAPRO, OGC, and OIG to design behaviorally-based questions that would better capture a range of outcomes resulting from the report of a sexual assault than previous measures. The resulting bank of questions is intended to capture data on experiences of survivors who perceived professional reprisal, ostracism, or maltreatment as a result of reporting a sexual assault. These questions, included on the 2016 MIJES as well as several other surveys in 2016, were designed to align with the legal elements of professional reprisal, ostracism, and maltreatment in the Uniform Code of Military Justice (UCMJ) and Department policy and regulation. However, ultimately, only the results of an investigation (which takes into account behaviors experienced as well as other aspects, such as the intent of the perpetrator) can determine whether self-reported negative behaviors meet the requirements of prohibited retaliation. Therefore, measures of perceived retaliatory behaviors captured on the 2016 MIJES reflect member perceptions only and should not be interpreted as meeting the elements of proof for retaliation contained within UCMJ policy.

Appendix B.
Service-Specific Language Presented on the
Web Survey

MIJES1601 used dynamic text to present Service specific terms. The tables below indicate what text was presented to respondents by Service. Use this table in concert with the other appendices to determine what text question and response option text.

VATEXT Presentation Rules:

if Q2 and Q3 = Missing, than VATEXT# = 1;

if Q2 = Army or Q3= Army Reserve, than VATEXT# = 2;

if Q2 = Navy or Q3 = Navy Reserve, than VATEXT# = 3;

if Q2 = Marine Corps or Q3= Marine Corps Reserve, than VATEXT# = 4;

if Q2 = Air Force or Q3 = Air Force Reserve, than VATEXT# = 5;

if Q3 = Army National Guard or Air National Guard, than VATEXT# = 6;

Variable name	Replacement text by Service: Values of VATEXT#	Question numbers
VATEXT1 Uniformed Victim Advocate (UVA) or a Victim Advocate (VA)	1= "Uniformed Victim Advocate (UVA) or a Victim Advocate (VA)" 2 = "SHARP Victim Advocate (VA)" 3= "Unit Sexual Assault Prevention and Response Victim Advocate (Unit SAPR VA) or a Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 4= "Uniformed Victim Advocate (UVA) or a Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 5= "Sexual Assault Prevention and Response Victim Advocate (SAPR VA) or a Volunteer Victim Advocate (VVA)" 6= "Uniformed Victim Advocate (UVA) or a Sexual Assault Prevention and Response Victim Advocate (SAPR VA)"	Q23 question text Q24 question text
VATEXT2 Uniformed Victim Advocate (UVA) or Victim Advocate (VA)	1= "Uniformed Victim Advocate (UVA) or Victim Advocate (VA)" 2 = "SHARP Victim Advocate (VA)" 3= "Unit Sexual Assault Prevention and Response Victim Advocate (Unit SAPR VA) or Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 4= "Uniformed Victim Advocate (UVA) or Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 5= "Sexual Assault Prevention and Response Victim Advocate (SAPR VA) or Volunteer Victim Advocate (VVA)" 6= "Uniformed Victim Advocate (UVA) or Sexual Assault Prevention and Response Victim Advocate (SAPR VA)"	Q25 question text Q87 response option Q88 response option Q100 response option
VATEXT3 UVA/VA	1= "UVA/VA" 2 = "SHARP Victim Advocate (VA)" 3= "Unit SAPR VA/SAPR VA" 4= "UVA/SAPR VA" 5= "SAPR VA/VVA" 6= "UVA/SAPR VA"	Intro text before Q7 Header for Q23-Q29

VATEXT4 Both a Uniformed Victim Advocate (UVA) and Victim Advocate (VA)	1= "Both a Uniformed Victim Advocate (UVA) and Victim Advocate (VA)" 2 = "Both a Uniformed Victim Advocate (UVA) and Victim Advocate (VA)" 3= "Both a Unit Sexual Assault Prevention and Response Victim Advocate (Unit SAPR VA) and Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 4= "Both a Uniformed Victim Advocate (UVA) and Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 5= "Both a Sexual Assault Prevention and Response Victim Advocate (SAPR VA) and Volunteer Victim Advocate (VVA)" 6= "Both a Uniformed Victim Advocate (UVA) and Sexual Assault Prevention and Response Victim Advocate (SAPR VA)"	Q24 response option
VATEXT5 Uniformed Victim Advocate (UVA)	1= "Uniformed Victim Advocate (UVA)" 2 = "Uniformed Victim Advocate (UVA)" 3= "Unit Sexual Assault Prevention and Response Victim Advocate (Unit SAPR VA)" 4= "Uniformed Victim Advocate (UVA)" 5= "Sexual Assault Prevention and Response Victim Advocate (SAPR VA)" 6= "Uniformed Victim Advocate (UVA)"	Q24 response option Q26 question text Q27 question text

Appendix C.
Survey Note: Analysis of Members Who
Chose Not to Participate in the Military
Justice Process

2016 Military Investigation and Justice Experience Survey: Analysis of Members Who Chose Not to Participate in the Military Justice Process

Issue

To be an eligible participant in the *2016 Military Investigation and Justice Experience Survey (MIJES)*, respondents were required to be currently uniformed military members, whose report resulted in a criminal investigation by a Military Criminal Investigative Organization, whose perpetrator was a military Service member, and who chose to participate in the investigation or military justice process. Overall, 308 members initially responded to the survey. Of these respondents, 225 members were eligible to take the survey based on criteria including choosing to participate in any part of the investigation or military justice process for their sexual assault case. Of the 83 responders who did not meet eligibility criteria, 21 members indicated they chose not to participate in the military justice process, and were therefore excluded from general survey results.

However, members who choose not to participate in the investigation or military justice process are of interest to the Sexual Assault and Prevention and Response Office (SAPRO). Understanding why these members chose not to report, and whether they received supportive services and resources, might influence modifications to programs which are beneficial to these members. Therefore the *2016 MIJES* included three questions directed at respondents who indicated they chose not to participate in any part of the investigation or military justice process for their sexual assault case. These respondents were not eligible to participate in the remainder of the survey.

Reasons for Not Participating

The 21 members who indicated they chose not to participate in the investigation or military justice process were asked to specify why they chose not to participate. Sixteen members left comments specifying their reasons. Analysis of these 16 comments yielded 4 themes: they had *no choice*, they were *not invited to participate*, they were too *emotionally vulnerable* to participate, or there was a general *lack of trust* with the process.

No choice

Some members indicated they felt they had *no choice* in whether their case went forward, regardless of their participation. Specifically, some felt the case advanced without their permission, and control was taken away from them.

- “I had my choice taken away from me. Improper reporting resulted in being taken to the wrong agency first. I did not want the report to go unrestricted like it did, and I no longer wanted to relive the events that occurred. I felt like that would happen every day until the verdict was reached and could not put myself through that kind of stress.”
- “My rights were infringed upon and I want nothing to do with OSI, my former command, or the Air Force.”

2016 Military Investigation and Justice Experience Survey: Analysis of Members Who Chose Not to Participate in the Military Justice Process

- *"The entire situation was absolutely out of my control and I had absolutely no say in how the investigation was carried out... I was never offered an option of whether or not to begin an investigation, which should have never come about... Nothing I said was taken into consideration at all. I'm extremely dissatisfied by the way everything was carried out."*

Not invited to participate

Some members indicated they were *not invited to participate* in the investigation or that they did not know an investigation was occurring.

- *"Was not offered to."*
- *"I was not given the opportunity to participate. The assault was reported as fraternization by my command, so I was also being investigated for wrong doing on my part."*
- *"I did not know about it."*
- *"I was not asked to participate in the investigation. I had to chase people down for answers. Felt like I was being assaulted all over again."*
- *"I was never requested back regarding the case or to do anything other than my initial statement."*

Emotional vulnerability

Some members indicated they were *emotionally vulnerable* and felt their participation in the investigation would be too painful or impact their ability to heal.

- *"Was too emotionally unstable to deal with legal proceedings of any kind."*
- *"I did not want to be interrogated nor [did I] want to feel like a victim anymore."*

Lack of trust

Some members indicated they *lacked trust* in the system or they were too afraid to participate.

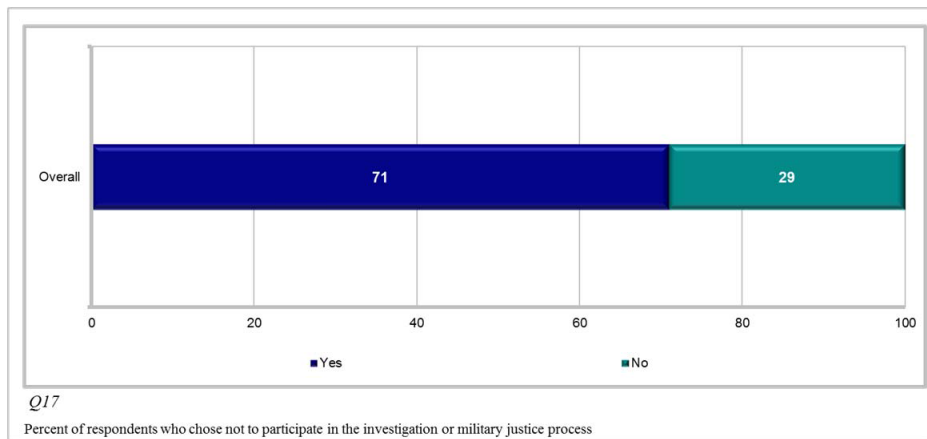
- *"I do not trust OSI."*
- *"Fear."*

Assignment of Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC)

The 21 members who indicated they chose not to participate in the military justice process were also asked about whether they were assigned a Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC) despite choosing not to participate. As seen in Figure 1, of these members, 71% indicated *yes*, they were assigned a SVC/VLC, whereas 29% indicated *no*, they were not assigned a SVC/VLC.

2016 Military Investigation and Justice Experience Survey:
Analysis of Members Who Chose Not to Participate in the Military Justice Process

Figure 1.
Assignment of Special Victims' Counsel (SVC) or Victims' Legal Counsel (VLC)

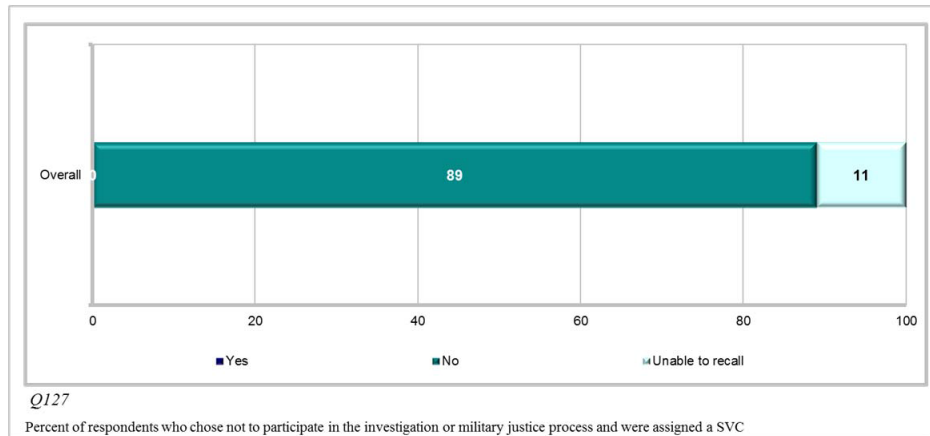


Overall, results from the 2016 MIJES indicated that having a SVC/VLC was beneficial to respondents in preparing them for the military justice process.¹ Therefore, members who chose not to participate in the investigation or military justice process and were assigned a SVC/VLC were asked whether this assignment influenced their decision to participate. Only members who were in the Army, Army Reserve, Army National Guard, Air Force, Air Force Reserve, or Air National Guard were presented this question. As seen in Figure 2, of these respondents, 89% indicated *no*, having a SVC assigned to them did not influence their decision not to participate, whereas 11% indicated they were *unable to recall*.

¹ Namrow, N., De Silva, S., Barry, A., and Ely K. (2017). *2016 Military Investigation and Justice Experience Survey: Overview Report: August 29–December 6, 2016* (Report No. 2017-003). Alexandria, VA: OPA.

2016 Military Investigation and Justice Experience Survey:
Analysis of Members Who Chose Not to Participate in the Military Justice Process

Figure 2.
Assignment of SVC Influenced Decision Not to Participate



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This page is reserved for insertion of Standard Form 298, page 2 -- this is best accomplished by replacing this page after the document has been converted to PDF

Office of People Analytics (OPA)

